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THE

# PUBLIC GENERAL ACTS

PASSED IN THE

## FIFTY-THIRD AND FIFTY-FOURTH YEARS OF THE REIGN OF HER MAJESTY QUEEN VICTORIA;

BEING THE

## FIFTH SESSION OF THE TWENTY-FOURTH PARLIAMENT

OF THE

## UNITED KINGDOM OF GREAT BRITAIN AND IRELAND;

WITH AN INDEX, AND TABLES SHOWING THE EFFECTS OF THE YEAR'S LEGISLATION ON THE PUBLIC GENERAL ACTS; ALSO THE TITLES OF THE LOCAL AND PRIVATE ACTS ARRANGED CONSECUTIVELY AND IN CLASSES.

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# TABLE

OF

## The TITLES of the PUBLIC GENERAL ACTS passed in the FIFTH Session of the TWENTY-FOURTH Parliament of the United Kingdom of GREAT BRITAIN and IRELAND.

53 & 54 VICTORIA.—A.D. 1890.

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1. AN Act to apply certain sums out of the Consolidated Fund to the service of the years ending on the thirty-first day of March one thousand eight hundred and eighty-nine, one thousand eight hundred and ninety, and one thousand eight hundred and ninety-one. (*Consolidated Fund* (*No.* 1).) 1
2. An Act to abolish the Office of Secretary of Presentations and to provide for the performance of the duties attached to that Office. (*Crown Office.*) 2
3. An Act to remove doubts as to the Legality of certain payments by County Councils. (*County Councils Association Expenses.*) 3
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**66.** An Act to amend the Metropolis Management Acts. (*Metropolis Management Amendment.*) 521

**67.** An Act to make provision respecting the Pensions, Allowances, and Gratuities of Police Constables in Scotland, and their Widows and Children, and to make other provisions respecting the Police of Scotland. (*Police (Scotland).*) 525

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# TABLE

OF

## The TITLES of the PUBLIC ACTS of a Local Character passed during the Session which are placed amongst the LOCAL ACTS.

53 & 54 VICTORIA.—A.D. 1890.

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**xxxvii.** An Act to confirm certain Provisional Orders made by the Board of Trade under the General Pier and Harbour Act, 1861, relating to Hastings, Helmsdale, Mullion, Rhyl (New), and Yarmouth (Great). (*Pier and Harbour Orders Confirmation* (*No.* 1).)

**xliii.** An Act to confirm certain Provisional Orders of the Local Government Board under the Highways and Locomotives (Amendment) Act, 1878, relating to the Counties of Gloucester and Wilts. (*Local Government Board's Provisional Orders Confirmation* (*Highways*).)

**xliv.** An Act to confirm certain Provisional Orders of the Local Government Board relating to the Urban Sanitary Districts of Brighouse, Bromley, Burnley, Dover, Folkestone, Mountain Ash, and Trowbridge. (*Local Government Board's Provisional Orders Confirmation.*)

**lxxvii.** An Act to confirm a Provisional Order made by one of Her Majesty's Principal Secretaries of State under the Metropolitan Police Act, 1886, relating to lands in the Parishes of St. George Hanover Square and Fulham. (*Metropolitan Police Provisional Order Confirmation.*)

**lxxviii.** An Act to confirm a Provisional Order for the Regulation of Cleeve Hill Common, situate in the parish of Bishop's Cleeve, in the county of Gloucester, in pursuance of a report from the Board of Agriculture. (*Commons Regulation* (*Cleeve*) *Provisional Order Confirmation.*)

**lxxix.** An Act to provide for the division of the Vicarage of Kew and Petersham into two distinct Vicarages. (*Kew and Petersham Vicarage.*)

**lxxx.** An Act to confirm an Order of the Local Government Board under the provisions of the Public Health Act, 1875, as amended by the Public Health (Ships, &c.) Act, 1885, relating to the Port of Colchester (Maldon Division). (*Local Government Board's Provisional Order Confirmation* (*Port*).)

**lxxxi.** An Act to confirm certain Provisional Orders of the Local Government Board relating to the Urban Sanitary Districts of Cambridge, Cheadle and Gatley, Portsmouth, and Ramsbottom, and to the Rural Sanitary Districts of the Belper, Bishop Stortford, Tynemouth, and Watford Unions. (*Local Government Board's Provisional Orders Confirmation* (*No.* 2).)

**lxxxii.** An Act to confirm certain Provisional Orders of the Local Government Board relating to the Urban Sanitary Districts of Batley, Croydon, Halifax, Milford, Ogmore and Garw, and Portsmouth. (*Local Government Board's Provisional Orders Confirmation* (*No.* 3).)

**lxxxiii.** An Act to confirm certain Provisional Orders of the Local Government Board relating to the Urban Sanitary Districts of Manchester and Stockport. (*Local Government Board's Provisional Orders Confirmation* (*No.* 4).)

**lxxxiv.** An Act to confirm certain Provisional Orders of the Local Government Board relating to the Urban Sanitary Districts of Bolton, Colne and Marsden, Leicester, Neath, Rotherham, Soothill Nether, Southampton, and Sutton (Surrey). (*Local Government Board's Provisional Orders Confirmation* (*No.* 5).)

**lxxxv.** An Act to confirm certain Provisional Orders of the Local Government Board relating to the Urban Sanitary Districts of Blackpool, Leeds, Southport, Street, and Twickenham, and to the Haslingden and Rawtenstall Outfall Sewerage District. (*Local Government Board's Provisional Orders Confirmation* (*No.* 7).)

**lxxxvi.** An Act to confirm a Provisional Order of the Local Government Board for Ireland relating to Waterworks in the Town of Downpatrick. (*Local Government Board* (*Ireland*) *Provisional Order Confirmation* (*Downpatrick Waterworks*).)

**lxxxvii.** An Act to confirm a Provisional Order of the Local Government Board for Ireland relating to additional Waterworks and Improvement of Streets in the Town of Bangor. (*Local Government Board* (*Ireland*) *Provisional Order Confirmation* (*Bangor*).)

**lxxxviii.** An Act to confirm a Provisional Order of the Local Government Board for Ireland relating to Waterworks in the Town of Dungarvan. (*Local Government Board* (*Ireland*) *Provisional Order Confirmation* (*Dungarvan Waterworks*).)

**lxxxix.** An Act to confirm a Provisional Order of the Local Government Board for Ireland relating to Waterworks in the Town of Foynes. (*Local Government Board* (*Ireland*) *Provisional Order Confirmation* (*Foynes Waterworks*).)

**xc.** An Act to confirm a Provisional Order of the Local Government Board for Ireland relating to the Drumcondra, Clonliffe, and Glasnevin Township. (*Local Government Board (Ireland) Provisional Order Confirmation (Drumcondra, Clonliffe, and Glasnevin).*)

**xci.** An Act to confirm a Provisional Order of the Local Government Board for Ireland relating to Part of Belfast Union and Holywood Town United District. (*Local Government Board (Ireland) Provisional Order Confirmation (Belfast Union and Holywood Town).*)

**xcii.** An Act to confirm a Provisional Order of the Local Government Board for Ireland relating to Wexford. (*Local Government Board (Ireland) Provisional Order Confirmation (Wexford).*)

**xciii.** An Act to confirm a Provisional Order made by the County Council of Somerset under the Allotments Act, 1887, relating to the Parish of Wedmore in the Rural Sanitary District of the Axbridge Union. (*Allotments Provisional Order Confirmation.*)

**xciv.** An Act to confirm a Provisional Order of the Local Government Board under the provisions of the Artizans and Labourers Dwellings Improvement Acts, 1875 to 1885, relating to the City of Manchester. (*Local Government Board's Provisional Order Confirmation (Artizans and Labourers Dwellings).*)

**xcv.** An Act to confirm a Provisional Order of the Local Government Board under the provisions of the Gas and Water Works Facilities Act, 1870, and the Public Health Act, 1875, relating to the Local Government District of Burley in Wharfedale. (*Local Government Board's Provisional Order Confirmation (Gas).*)

**xcvi.** An Act to repeal the Act two and three Edward the Sixth, chapter fifty-four (local), for the keeping of the Sessions and County Days of the Isle of Anglesey in Beaumaris. (*Anglesey Act Repeal.*)

**xcvii.** An Act to confirm certain Provisional Orders made by the Board of Trade under the General Pier and Harbour Act, 1861, relating to Criccieth, Gloucester, Humber, and Penzance. (*Pier and Harbour Orders Confirmation (No. 3).*)

**xcviii.** An Act to confirm a Provisional Order made by the Board of Trade under the General Pier and Harbour Act, 1861, relating to Saint Mary's (Scilly). (*Pier and Harbour Order Confirmation (No. 4).*)

**xcix.** An Act to confirm certain Provisional Orders made by the Board of Trade under the Gas and Water Works Facilities Act, 1870, relating to Huntingdon and Godmanchester Gas, Llandrindod Water Gas, Studley Gas, and Wellingborough Gas. (*Gas Order Confirmation (No. 2).*)

**c.** An Act to confirm certain Provisional Orders made by the Board of Trade under the Gas and Water Works Facilities

Act, 1870, relating to Caton Water, Mid Kent Water, Stockport District Water, and Todmorden Water. (*Water Orders Confirmation* (*No.* 1).)

**ci.** An Act to confirm certain Provisional Orders made by the Board of Trade under the Gas and Waterworks Facilities Act, 1870, relating to Camborne Water, Frith Hill, Godalming, and Farncombe Water, Leatherhead and District Water, and Usk Water. (*Water Orders Confirmation* (*No.* 2).)

**cii.** An Act to confirm a Provisional Order made by the Education Department under the Elementary Education Act, 1870, to enable the School Board for London to put in force the Lands Clauses Consolidation Act, 1845, and the Acts amending the same. (*Education Department Provisional Order Confirmation* (*London*).)

**ciii.** An Act to confirm a Provisional Order made by the Education Department under the Elementary Education Act, 1870, to enable the School Board for West Ham to put in force the Lands Clauses Consolidation Act, 1845, and the Acts amending the same. (*Education Department Provisional Order Confirmation* (*West Ham*).)

**cxli.** An Act to provide for the Revision of the Lists of Parliamentary Voters in the Parliamentary Borough of Belfast, and the Payment of the Expenses thereof. (*Belfast Parliamentary Borough Registration.*)

**clxxiv.** An Act to confirm a Provisional Order of the Local Government Board under the Provisions of the Poor Law Amendment Act, 1867, relating to the Hundred of Mutford and Lothingland. (*Local Government Board's Provisional Order Confirmation* (*Poor Law*).)

**clxxv.** An Act to confirm a Provisional Order of the Local Government Board under the Provisions of the Artizans and Labourers Dwellings Improvement Acts, 1875 to 1885, relating to the Borough of Brighton. (*Local Government Board's Provisional Order Confirmation* (*Artizans' and Labourers' Dwellings*) (*No.* 2).)

**clxxvi.** An Act to confirm a Provisional Order of the Local Government Board relating to the Isles of Scilly. (*Local Government Board's Provisional Order Confirmation* (*No.* 6).)

**clxxvii.** An Act to confirm certain Provisional Orders of the Local Government Board relating to the Boroughs of Cardiff and Leeds. (*Local Government Board's Provisional Orders Confirmation* (*No.* 8).)

**clxxviii.** An Act to confirm certain Provisional Orders of the Local Government Board relating to the Boroughs of Abingdon, Canterbury, and Lowestoft. (*Local Government Board's Provisional Orders Confirmation* (*No.* 9).)

**clxxix.** An Act to confirm certain Provisional Orders of the Local Government Board relating to the Urban Sanitary Districts of Bacup, Blackburn, Bournemouth, Burnley, Criccieth, and Nelson, and to the Godalming Main Sewerage District. (*Local Government Board's Provisional Orders Confirmation* (*No.* 10).)

**clxxx.** An Act to confirm certain Provisional Orders of the Local Government Board relating to the Urban Sanitary Districts of Chorley and Middleton. (*Local Government Board's Provisional Orders Confirmation* (*No.* 12).)

**clxxxi.** An Act to confirm certain Provisional Orders made by the Board of Trade under the Tramways Act, 1870, relating to Bradford Corporation Tramways, Brypool and Marfleet Steam Tramways, Dudley, Netherton, Old Hill, and Cradley Tramways, National Rifle Association (Bisley Common) Tramway, Norwich Tramways, Tong Local Board Tramway, and Worcester Tramways. (*Tramways Orders Confirmation* (*No.* 1).)

**clxxxii.** An Act to confirm certain Provisional Orders made by the Board of Trade under the Tramways Act, 1870, relating to Bradford and District Tramways (Extension), Lea Bridge, Leyton, and Walthamstow Tramways, Poole and Bournemouth Tramways, and Warboys and Puddock Drove Tramway. (*Tramways Orders Confirmation* (*No.* 2).)

**clxxxiii.** An Act to confirm certain Provisional Orders made by the Board of Trade under the Gas and Water Works Facilities Act, 1870, relating to Barnoldswick Gas, Hollingworth Gas, Ware Gas, and Aldershot Gas and Water. (*Gas and Water Orders Confirmation.*)

**clxxxiv.** An Act to confirm a Scheme of the Charity Commissioners for the Charity known as "The Wesleyan "Methodist Chapel, School-house, Dwelling-house (or Prea-"cher's Residence), and Trust Property," in the Parish of Birstall, in the West Riding of the County of York. (*Birstall Wesleyan Chapel Trust Scheme Confirmation.*)

**clxxxv.** An Act to make further provision concerning certain portions of the Shrewsbury and Holyhead Road. (*Shrewsbury and Holyhead Road* (*Anglesey and Carnarvon*).)

**clxxxvi.** An Act to confirm certain Provisional Orders made by the Board of Trade under the Electric Lighting Acts, 1882 and 1888, relating to Cambridge, Dover, Hove, Walsall, Wolverhampton, and Worcester. (*Electric Lighting Orders Confirmation.*)

**clxxxvii.** An Act to confirm certain Provisional Orders made by the Board of Trade under the Electric Lighting Acts, 1882 and 1888, relating to Burnley, Bury, Chester, Fleetwood, Lancaster, and Salford. (*Electric Lighting Orders Confirmation* (*No.* 2).)

**clxxxviii.** An Act to confirm certain Provisional Orders made by the Board of Trade under the Electric Lighting Acts, 1882 and 1888, relating to Bacup, Bedford, Huddersfield, Malvern, Oldham, and Stockton-on-Tees. (*Electric Lighting Orders Confirmation* (*No.* 3).)

**clxxxix.** An Act to confirm certain Provisional Orders made by the Board of Trade under the Electric Lighting Acts, 1882 and 1888, relating to Accrington, Barnsley, Blackpool, Burton-on-Trent, Cheltenham, and Darlington. (*Electric Lighting Orders Confirmation* (*No.* 4).)

**cxc.** An Act to confirm certain Provisional Orders made by the Board of Trade under the Electric Lighting Acts, 1882 and 1888, relating to Bournemouth, Derby, Hastings, and St. Leonards-on-Sea, Oxford, Portsmouth, and Woking. (*Electric Lighting Orders Confirmation* (*No.* 5).)

**cxci.** An Act to confirm certain Provisional Orders made by the Board of Trade under the Electric Lighting Acts, 1882 and 1888, relating to Birkenhead, Great Yarmouth, Kingston-upon-Hull, Nottingham, Wigan, and York. (*Electric Lighting Orders Confirmation* (*No.* 6).)

**cxcii.** An Act to confirm certain Provisional Orders made by the Board of Trade under the Electric Lighting Acts, 1882 and 1888, relating to Belfast, Blackburn, Leicester, Morecambe, Sevenoaks, and Tunstall. (*Electric Lighting Orders Confirmation* (*No.* 7).)

**cxciii.** An Act to confirm certain Provisional Orders made by the Board of Trade under the Electric Lighting Acts, 1882 and 1888, relating to Ayr, Bognor, Eastbourne, Galway, Stafford, and Tiverton. (*Electric Lighting Orders Confirmation* (*No.* 8).)

**cxciv.** An Act to confirm certain Provisional Orders made by the Board of Trade under the Electric Lighting Acts, 1882 and 1888, relating to Lambeth, North London, St. James' Westminster, St. George the Martyr, Southwark, and a portion of the Parish of Camberwell, and Wandsworth district. (*Electric Lighting Orders Confirmation* (*No.* 9).)

**cxcv.** An Act to confirm certain Provisional Orders made by the Board of Trade under the Electric Lighting Acts, 1882 and 1888, relating to Preston, and Preston and Fulwood. (*Electric Lighting Orders Confirmation* (*No.* 13).)

**cxcvi.** An Act to confirm certain Provisional Orders made by the Board of Trade under the Electric Lighting Acts, 1882 and 1888, relating to Ashton-under-Lyne, Bournemouth, Coatbridge, Hastings, Northampton, and Windsor. (*Electric Lighting Orders Confirmation* (*No.* 10).)

**cxcvii.** An Act to confirm certain Provisional Orders made by the Board of Trade under the Electric Lighting Acts, 1882 and 1888, relating to Chatham, Rochester and District, Manchester, Plymouth, and Wrexham. (*Electric Lighting Orders Confirmation* (*No.* 11).)

**cxcviii.** An Act to confirm certain Provisional Orders made by the Board of Trade under the Electric Lighting Acts, 1882 and 1888, relating to Crystal Palace and District and Paddington. (*Electric Lighting Orders Confirmation* (*No.* 12).)

**cxcix.** An Act to confirm certain Provisional Orders made by the Board of Trade under the Electric Lighting Acts, 1882 and 1888, relating to Aberdeen, Dundee, Glasgow, Kelvinside, and Moss Side and Stretford. (*Electric Lighting Orders Confirmation* (*No.* 14).)

**ccii.** An Act to confirm certain Provisional Orders of the Local Government Board relating to the City of Coventry and the Borough of Great Yarmouth. (*Local Government Board's Provisional Orders Confirmation* (*No.* 13).)

**cciii.** An Act to confirm a Provisional Order of the Local Government Board relating to the Borough of Kingston-upon-Hull. (*Local Government Board's Provisional Order Confirmation* (*No.* 14).)

**cciv.** An Act to confirm certain Provisional Orders of the Local Government Board relating to the Boroughs of Grimsby and Huddersfield. (*Local Government Board's Provisional Orders Confirmation* (*No.* 15).)

**ccvi.** An Act to confirm certain Provisional Orders made by the Board of Trade under the Gas and Water Works Facilities Act, 1870, relating to Alton (Hants) Gas, Hoylake and West Kirby Gas, Sheffield Gas, Tonbridge Gas, and York Town and Blackwater Gas. (*Gas Orders Confirmation* (*No.* 1).)

**ccvii.** An Act to confirm a Provisional Order made by the Board of Trade under the Merchant Shipping (Pilotage) Act, 1889, relating to Clyde. (*Pilotage Order Confirmation* (*No.* 1).)

**ccviii.** An Act to confirm a Provisional Order made by the Board of Trade under the Merchant Shipping (Pilotage) Act, 1889, relating to Bristol. (*Pilotage Order Confirmation* (*No.* 2).)

**ccix.** An Act to make better provision for the safety of the Public when the lands in or near Aldershot, vested in the Secretary of State for the War Department, are used for Rifle Ranges or other Military purposes. (*Aldershot Roads.*)

**ccx.** An Act to confirm an Order in Council of the Lord Lieutenant and Privy Council in Ireland relating to the South Clare Railways. (*Tramways Order in Council* (*Ireland*) (*South Clare Railways*) *Confirmation.*)

**ccxxxvii.** An Act to confirm certain Provisional Orders of the Local Government Board relating to the Boroughs of Leamington and Tamworth. (*Local Government Board's Provisional Orders Confirmation* (*No.* 11).)

**ccxxxviii.** An Act to confirm a Provisional Order of the Local Government Board relating to the City of Manchester. (*Local Government Board's Provisional Order Confirmation* (*No.* 16).)

**ccxxxix.** An Act to confirm certain Provisional Orders made by the Board of Trade under the Electric Lighting Acts, 1882 and 1888, relating to the City of London. (*Electric Lighting Orders Confirmation* (*No.* 15).)

THE

# PUBLIC GENERAL STATUTES.

53 VICTORIA.

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## CHAPTER 1.

An Act to apply certain sums out of the Consolidated Fund to the service of the years ending on the thirty-first day of March one thousand eight hundred and eighty-nine, one thousand eight hundred and ninety, and one thousand eight hundred and ninety-one.

[29th March 1890.]

Most Gracious Sovereign,

WE, Your Majesty's most dutiful and loyal subjects, the Commons of the United Kingdom of Great Britain and Ireland, in Parliament assembled, towards making good the supply which we have cheerfully granted to Your Majesty in this session of Parliament, have resolved to grant unto Your Majesty the sums herein-after mentioned; and do therefore most humbly beseech Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Issue of 548,181*l.* 6*s.* 3*d.* out of the Consolidated Fund for the service of the years ending 31st March 1889 and 1890.

1. The Commissioners of Her Majesty's Treasury for the time being may issue out of the Consolidated Fund of the United Kingdom of Great Britain and Ireland, and apply towards making good the supply granted to Her Majesty for the service of the years ending on the thirty-first day of March one thousand eight hundred and eighty-nine and one thousand eight hundred and ninety, the sum of five hundred and forty-eight thousand one hundred and eighty-one pounds six shillings and threepence.

Issue of 16,395,203*l.* out of the Consolidated Fund for the service of the year ending 31st March 1891.

2. The Commissioners of Her Majesty's Treasury for the time being may issue out of the Consolidated Fund of the United Kingdom of Great Britain and Ireland, and apply towards making good the supply granted to Her Majesty for the service of the year ending on the thirty-first day of March one thousand eight hundred and ninety-one, the sum of sixteen million three hundred and ninety-five thousand two hundred and three pounds.

Power to the Treasury to borrow.

3. The Commissioners of the Treasury may borrow from time to time, on the credit of the said sums, any sum or sums not

exceeding in the whole the sum of sixteen million nine hundred and forty-three thousand three hundred and eighty-four pounds six shillings and threepence, and shall repay the moneys so borrowed, with interest not exceeding five pounds per centum per annum, out of the growing produce of the Consolidated Fund at any period not later than the next succeeding quarter to that in which the said moneys were borrowed.

Any sums so borrowed shall be placed to the credit of the account of Her Majesty's Exchequer, and shall form part of the said Consolidated Fund, and be available in any manner in which such fund is available.

Short title.

4. This Act may be cited as the Consolidated Fund (No. 1) Act, 1890.

## CHAPTER 2.

An Act to abolish the Office of Secretary of Presentations, and to provide for the performance of the duties attached to that Office. [29th March 1890.]

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Abolition of office of Secretary of Presentations and transfer of duties.

1.—(1.) The office of Secretary of Presentations is hereby abolished.

(2.) Any act required by any statute to be done by the Secretary of Presentations shall be done by the Clerk of the Crown in Chancery, and, subject as aforesaid, any duties hitherto performed by the Secretary of Presentations shall be performed by the Clerk of the Crown in Chancery, or by such of the Lord Chancellor's officers as he may direct.

(3.) The Lord Chancellor may make regulations respecting the passing and preparation of instruments prepared or issued by the Clerk of the Crown in Chancery under the duties or powers transferred by this Act.

(4.) The enactments mentioned in the schedule to this Act are hereby repealed to the extent appearing in the third column of that schedule.

Short title.

2. This Act may be cited as the Crown Office Act, 1890.

## SCHEDULE.

ENACTMENTS REPEALED.

| Session and Chapter. | Title. | Extent of Repeal. |
|---|---|---|
| 3 & 4 Will. 4. c. 84. - | An Act to provide for the performance of the duties of certain offices connected with the Court of Chancery which have been abolished. | The whole Act. |
| 15 & 16 Vict. c. 87. - | An Act for the relief of the suitors in the High Court of Chancery. | Section twenty-six. |

# CHAPTER 3.

An Act to remove doubts as to the Legality of certain Payments by County Councils. [29th March 1890.]

WHEREAS an association of county councils of England and Wales has been formed for the purpose of consultation as to their common interests and the discussion of matters relating to local government:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

**1.** The council of an administrative county may pay out of the county fund, as general expenses incurred by them in the execution of their duties under the Local Government Act, 1888, any sum not exceeding thirty-one pounds and ten shillings in any one year, as an annual or other subscription to the funds of the association, as well as any reasonable expenses of the attendance of representatives, not exceeding in any case four, at meetings of the association.

Power to defray expenses in connexion with association of county councils. 51 & 52 Vict. c. 41.

**2.** This Act may be cited for all purposes as the County Councils Association Expenses Act, 1890.

Short title and extent of Act.

This Act does not extend to Scotland or Ireland.

# CHAPTER 4.

An Act to provide, during twelve months, for the Discipline and Regulation of the Army.

[29th March 1890.]

WHEREAS the raising or keeping of a standing army within the United Kingdom of Great Britain and Ireland in time of peace, unless it be with the consent of Parliament, is against law:

And whereas it is adjudged necessary by Her Majesty and this present Parliament, that a body of forces should be continued for the safety of the United Kingdom and the defence of the possessions of Her Majesty's Crown, and that the whole number of such forces should consist of one hundred and fifty-three thousand four hundred and eighty-three men, including those to be employed at the depôts in the United Kingdom of Great Britain and Ireland for the training of recruits for service at home and abroad, but exclusive of the numbers actually serving within Her Majesty's Indian possessions:

And whereas it is also judged necessary for the safety of the United Kingdom, and the defence of the possessions of this realm, that a body of Royal Marine forces should be employed in Her Majesty's fleet and naval service, under the direction of the Lord High Admiral of the United Kingdom, or the Commissioners for executing the office of Lord High Admiral aforesaid:

And whereas the said marine forces may frequently be quartered or be on shore, or sent to do duty or be on board transport ships or vessels, merchant ships or vessels, or other ships or vessels, or they may be under other circumstances in which they will not be subject to the laws relating to the government of Her Majesty's forces by sea:

And whereas no man can be forejudged of life or limb, or subjected in time of peace to any kind of punishment within this realm by martial law, or in any other manner than by the judgment of his peers and according to the known and established laws of this realm; yet nevertheless it being requisite, for the retaining all the before-mentioned forces, and other persons subject to military law, in their duty, that an exact discipline be observed, and that persons belonging to the said forces who mutiny or stir up sedition, or desert Her Majesty's service, or are guilty of crimes and offences to the prejudice of good order and military discipline, be brought to a more exemplary and speedy punishment than the usual forms of the law will allow:

44 & 45 Vict. c. 58

And whereas the Army Act, 1881, will expire in the year one thousand eight hundred and ninety on the following days:

(*a*.) In the United Kingdom, the Channel Islands, and the Isle of Man, on the thirtieth day of April, and

(*b*) Elsewhere in Europe, inclusive of Malta, also in the West Indies and America, on the thirty-first day of July, and

(*c*.) Elsewhere, whether within or without Her Majesty's dominions, on the thirty-first day of December:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

**Short title.**

**1.** This Act may be cited as the Army (Annual) Act, 1890; and the Army Act, 1881, is in this Act referred to as the Army Act.

**Army Act (44 & 45 Vict. c. 58.) to be in force for specified times.**

**2.**—(1.) The Army Act shall be and remain in force during the periods herein-after mentioned, and no longer, unless otherwise provided by Parliament; that is to say,

(*a.*) Within the United Kingdom, the Channel Islands, and the Isle of Man, from the thirtieth day of April one thousand eight hundred and ninety to the thirtieth day of April one thousand eight hundred and ninety-one, both inclusive; and

(*b.*) Elsewhere in Europe, inclusive of Malta, also in the West Indies and America, from the thirty-first day of July one thousand eight hundred and ninety to the thirty-first day of July one thousand eight hundred and ninety-one, both inclusive; and

(*c.*) Elsewhere, whether within or without Her Majesty's dominions, from the thirty-first day of December one thousand eight hundred and ninety to the thirty-first day of December one thousand eight hundred and ninety-one, both inclusive;

and the day from which the Army Act is continued in any place by this Act is in relation to that place referred to in this Act as the commencement of this Act.

(2.) The Army Act, while in force, shall apply to persons subject to military law, whether within or without Her Majesty's dominions.

**44 & 45 Vict. c. 58.**

(3.) A person subject to military law shall not be exempted from the provisions of the Army Act by reason only that the number of the forces for the time being in the service of Her Majesty, exclusive of the marine forces, is either greater or less than the number herein-before mentioned.

**Prices in respect of billeting.**

**3.** There shall be paid to the keeper of a victualling house for the accommodation provided by him in pursuance of the Army Act the prices specified in the schedule to this Act.

## *Amendments of Army Act.*

**Amendments of 44 & 45 Vict. c. 58. s. 1 as to short title.**

**4.** In section one of the Army Act (enacting a short title of the Act) the figures "1881" shall be omitted.

**s. 57 as to commutation and remission of sentences.**

**5.** Whereas doubts have been entertained whether the Commander-in-Chief of the forces of a presidency in India can, under section fifty-seven of the Army Act mitigate, remit, or commute the punishment of a person undergoing sentence in a place occupied by troops under the command of that Commander-in-Chief, but not within the presidency of which he is Commander-in-Chief, and it is expedient to remove those doubts; be it therefore enacted as follows:

In subsection (2) (*b*) of section fifty-seven of the Army Act, after the word "presidency," shall be added the following words: "or in any place occupied by troops under the

"command of the Commander-in-Chief of the forces of a "presidency."

Partial repeal of s. 151 as to civil courts in India.

**6.** Whereas subsection two of section one hundred and fifty-one of the Army Act (relating to courts of small causes and civil courts in India), is no longer required, therefore the said subsection is hereby repealed.

Amendment of s. 175 as to persons subject to military law as officers.

**7.** Whereas provision is about to be made for the establishment of an Indian reserve of officers, and it is expedient to provide for the application of military law to the officers of that reserve; be it therefore enacted as follows:—

To section one hundred and seventy-five of the Army Act the following paragraph shall be added.

"(9.) The persons holding commissions as officers in the Indian army reserve when such officers are called out in any military capacity."

" " s. 179 as to royal marines.

**8.** Whereas it is expedient that the provision as to forfeiture for absence without leave contained in subsection (14) of section one hundred and seventy-nine of the Army Act, should apply only on conviction by court martial; be it therefore enacted that for that subsection the following subsection shall be substituted, namely:—

(14.) A man in the royal marines shall, for absence without leave, on conviction of that offence by court martial, and for fraudulent enlistment, forfeit his service in like manner as he forfeits it for desertion under the Acts relating to the royal marines.

" " s. 190 as to definition of "India" and "colony."

**9.** Whereas it is expedient to assimilate certain definitions in the Army Act to the corresponding definitions in the Interpretation Act, 1889; be it therefore enacted as follows:—

(1.) For the definition of "India" in subsection twenty-one of section one hundred and ninety of the Army Act, the following definition shall be substituted:—

(21.) The expression "India" means British India, together with any territories of any native prince or chief under the suzerainty of Her Majesty exercised through the Governor-General of India, or through any governor or other officer subordinate to the Governor-General of India; and the expression "British India" means all territories and places within Her Majesty's dominions which are for the time being governed by Her Majesty through the Governor-General of India, or through any governor or other officer subordinate to the Governor-General of India.

(2.) For the definition of "colony" in subsection twenty-three of the same section the following definition shall be substituted:—

(23.) The expression "colony" means any part of Her Majesty's dominions exclusive of the British Islands and of British India, and includes Cyprus, and where parts of such dominions are under both a central and a local legislature, all parts under the central legislature shall, for the purposes of this definition, be deemed to be one colony.

## SCHEDULE.

| Accommodation to be provided. | Maximum Price |
|---|---|
| Lodging and attendance for soldier where hot meal furnished. | Twopence halfpenny per night. |
| Hot meal as specified in Part I. of the Second Schedule to the Army Act. | One shilling and one penny halfpenny each. |
| Where no hot meal furnished, lodging and attendance, and candles, vinegar, salt, and the use of fire, and the necessary utensils for dressing and eating his meat. | Fourpence per day. |
| Ten pounds of oats, twelve pounds of hay, and eight pounds of straw per day for each horse. | One shilling and ninepence per day. |
| Lodging and attendance for officer - - | Two shillings per night. |

*Note.*—An officer shall pay for his food.

# CHAPTER 5.

An Act to consolidate certain of the Enactments respecting Lunatics. [29th March 1890.]

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

*Preliminary.*

**1.** This Act may be cited as the Lunacy Act, 1890. Short title.

**2.** Save as in this Act otherwise expressly provided, this Act shall not extend to Scotland or Ireland. Extent of Act.

**3.** This Act shall come into operation, save as in this Act otherwise expressly provided, on the first day of May one thousand eight hundred and ninety. Commencement.

## PART I.

### RECEPTION OF LUNATICS.

*Reception Orders on Petition.*

**4.**—(1.) Subject to the exceptions in this Act mentioned, a person, not being a pauper or a lunatic so found by inquisition, shall not be received and detained as a lunatic in an institution for lunatics, or as a single patient, unless under a reception order made by the judicial authority herein-after mentioned. A relative of the person applying for an order under this section or of the lunatic, or of the husband or wife of the lunatic, shall not be capable of making such order. Private patients not found lunatic by inquisition to be received only under order of judicial authority.

(2) The order shall be obtained upon a private application by petition accompanied by a statement of particulars and by two medical certificates on separate sheets of paper. Forms 1, 2, 8.

Petition for reception order Form 1.

**5.**—(1.) The petition shall be presented, if possible, by the husband or wife or by a relative of the alleged lunatic. If not so presented it shall contain a statement of the reasons why the petition is not so presented and of the connexion of the petitioner with the alleged lunatic, and the circumstances under which he presents the petition.

(2.) No person shall present a petition unless he is at least twenty-one years of age and has within fourteen days before the presentation of the petition personally seen the alleged lunatic.

(3.) The petitioner shall in the petition undertake that he will personally, or by someone specially appointed by him, visit the patient once at least in every six months; and the undertaking shall be recited in the order.

Form 2.

(4.) The petition shall be signed by the petitioner and the statement of particulars by the person making the statement.

Procedure upon petition for a reception order Form 3.

**6.**—(1.) Upon the presentation of the petition the judicial authority shall consider the allegations in the petition and statement of particulars and the evidence of lunacy appearing by the medical certificates, and whether it is necessary for him personally to see and examine the alleged lunatic; and, if he is satisfied that an order may properly be made forthwith, he may make the same accordingly, or, if not so satisfied, he shall appoint as early a time as practicable, not being more than seven days after the presentation of the petition, for the consideration thereof; and he may make such further or other inquiries of or concerning the alleged lunatic as he may think fit. Notice of the time and place appointed for the consideration of the petition (unless personally given to the petitioner) shall be sent to the petitioner by post in a prepaid registered letter addressed to him at his address as given in the petition.

(2.) The judicial authority, if not satisfied with the evidence of lunacy appearing by the medical certificates, may, if he thinks it necessary so to do, visit the alleged lunatic at the place where he may happen to be.

(3.) The petition shall be considered in private, and no one except the petitioner, the alleged lunatic (unless the judicial authority shall in his discretion otherwise order), any one person appointed by the alleged lunatic for that purpose, and the persons signing the medical certificates accompanying the petition, shall, without the leave of the judicial authority, be present at the consideration thereof.

(4.) At the time appointed for consideration of the petition the judicial authority may make an order thereon or dismiss the same, or, if he thinks fit, may adjourn the same for any period not exceeding fourteen days for further evidence or information, and he may give notice to such persons as he thinks fit of the adjourned consideration, and summon any persons to attend before him.

(5.) Every judicial authority and all persons admitted to be present at the consideration of any petition for a reception order, or otherwise having official cognisance of the fact that a petition has been presented, except the alleged lunatic and the person appointed by the alleged lunatic as aforesaid, shall be bound to keep secret all matters and documents which may come to his or their knowledge

by reason thereof, except when required to divulge the same by lawful authority.

Dismissal of petition.

7.—(1.) If the petition is dismissed, the judicial authority shall deliver to the petitioner a statement in writing under his hand of his reasons for dismissing the same, and shall send a copy of such statement to the Commissioners and shall also, where the alleged lunatic is detained under an urgency order, send notice by post or otherwise to the person in whose charge the alleged lunatic is, that the petition has been dismissed.

(2.) Any judicial authority making or refusing a reception order, shall, if so required by the Commissioners, give to them all such information as they may require as to the circumstances under which the order was made or refused.

(3.) The Commissioners may communicate such information as they think proper, on the dismissal of the petition or the release of the alleged lunatic, to him or to any person who may satisfy them that he is a proper person to receive the information.

(4.) If after a petition has been dismissed another petition is presented as to the same alleged lunatic, the person presenting such other petition, so far as he has any knowledge or information with regard to the previous petition and its dismissal, shall state the facts relating thereto in his petition, and shall obtain from the Commissioners at his own expense, and present with his petition, a copy of the statement sent to them of the reasons for dismissing the previous petition, and, if he wilfully omits to comply with this sub-section, he shall be guilty of a misdemeanor.

Right of lunatic to be examined by judicial authority.

8.—(1.) When a lunatic has been received as a private patient under an order of a judicial authority, without a statement in the order that the patient has been personally seen by such judicial authority, the patient shall have the right to be taken before or visited by a judicial authority, other than the judicial authority who made the order, unless the medical officer of the institution, or, in the case of a single patient, his medical attendant, within twenty-four hours after reception, in a certificate signed and sent to the Commissioners, states that the exercise of such right would be prejudicial to the patient. Form 5.

(2.) Where no such certificate has been signed and sent, the manager of the institution in which the patient is, or the person having charge of him as a single patient, shall, within twenty-four hours after reception, give to the patient a notice in writing of his right under this section, and shall ascertain whether he desires to exercise the right; and if he, within seven days after his reception, expresses his desire to exercise the right, such manager or person shall procure him to sign a notice of such desire, and shall forthwith transmit it by post in a prepaid registered letter to the judicial authority, who is to exercise the jurisdiction under this section, or to the justices clerk of the petty sessional division or borough, where the lunatic is, to be by him transmitted to such judicial authority, and the judicial authority shall thereupon arrange, as soon as conveniently may be, either to visit the patient or to have the patient brought before him by the manager or person as the judicial authority may think fit. Form 6. Form 7.

(3.) The judicial authority shall be entitled, if he desires so to do, to see the medical certificates and any other documents, upon the consideration of which the reception order was made, and shall after personally seeing the patient send to the Commissioners a report, and the Commissioners shall take such steps as may be necessary to give effect to the report.

(4.) For the purposes of this section the jurisdiction shall be exercised by any judicial authority having authority to act in the place where the person received is, and not being the judicial authority who made the reception order; and arrangements shall for that purpose from time to time be made amongst themselves by the persons having such authority as aforesaid.

(5.) If any manager of an institution for lunatics, or any person having charge of a single patient, omits to perform any duty imposed upon him by this section, he shall be guilty of a misdemeanor.

*The Judicial Authority defined.*

Judicial authority defined.

**9.**—(1.) The powers of the judicial authority under this Act shall be exercised by a justice of the peace specially appointed as herein-after provided, or a judge of county courts, or magistrate having respectively jurisdiction in the place where the lunatic is.

(2.) Every judicial authority shall, in the exercise of the jurisdiction conferred by this Act, have the same jurisdiction and power as regards the summoning and examination of witnesses, the administration of oaths, and otherwise, as if he were acting in the exercise of his ordinary jurisdiction, and shall be assisted, if he so requires, by the same officers as if he were so acting, and their assistance under this Act shall be considered in fixing their remuneration.

(3.) A judge of county courts and magistrate shall not be required to exercise any powers under this Act so as to interfere with or delay the exercise of his ordinary jurisdiction.

Appointment of justices to make reception orders.

**10.**—(1.) The justices of every county and quarter sessions borough, shall annually appoint out of their own body as many fit and proper persons as they may deem necessary to exercise within the county and borough respectively, the powers conferred by this Act upon the judicial authority. In making such appointments the justices of every county shall have regard to the convenience of the inhabitants of each petty sessional division thereof.

(2.) The annual appointments under this section shall be made by justices of a county at their Michaelmas quarter sessions, and by justices of a borough at special sessions to be held in the month of October.

(3.) If in any year such appointments are not made, it shall be lawful for the Lord Chancellor, by writing under his hand, to make the same; and if, on any representation made to him that the number of justices so appointed for any county or borough is at any time insufficient, the Lord Chancellor is satisfied that such representation is well founded, he shall have power to appoint, by writing under his hand, any other justices of such county or borough to act, until the next Michaelmas quarter or special sessions, with the justices so appointed.

(4.) If in the case of a borough or place not having a separate quarter sessions, representation is made to the Lord Chancellor that public inconvenience is likely to result, unless power is given to the justices of such borough or place to exercise within the same the powers conferred by this Act upon the judicial authority, it shall be lawful for the Lord Chancellor, from time to time, with or without a fresh representation, to appoint, by writing under his hand, one or more of the justices of such borough or place to exercise within the same during such time as the Lord Chancellor thinks fit the powers aforesaid, together with any other specially appointed justices acting therein.

(5.) In the case of the death, absence, inability, or refusal to act of any justice appointed under this section, the justices of the county or borough, or the Lord Chancellor, as the case may be, may appoint a justice to act in his place. Such appointment may be made by justices of a county at any quarter sessions, and by justices of a borough at special sessions to be held at the same time as any quarter sessions.

(6.) All appointments of justices under this section shall be recorded by the clerk of the peace of the county or borough, or in the case of a borough or place not having a separate quarter sessions, by the clerk to the justices, and it shall be the duty of every such clerk to publish the names of the justices so appointed in each petty sessional division of the county and otherwise for the information of all persons interested. In the case of quarter sessions boroughs, the clerk to the justices making the appointment shall forthwith notify the same to the clerk of the peace of the borough.

*Urgency Orders.*

**Urgency orders.**

**11.**—(1.) In cases of urgency where it is expedient, either for the welfare of a person (not a pauper) alleged to be a lunatic, or for the public safety, that the alleged lunatic should be forthwith placed under care and treatment, he may be received and detained in an institution for lunatics, or as a single patient upon an urgency order, made (if possible) by the husband or wife or by a relative of the alleged lunatic, accompanied by one medical certificate. **Forms 4, 8, 9.**

(2.) An urgency order may be signed before or after the medical certificate.

(3.) If an urgency order is not signed by the husband or wife or by a relative of the alleged lunatic, the order shall contain a statement of the reasons why the same is not so signed and of the connexion with the alleged lunatic of the person signing the order, and the circumstances under which he signs the same.

(4.) No person shall sign an urgency order unless he is at least twenty-one years of age and has within two days before the date of the order personally seen the alleged lunatic.

(5.) An urgency order may be made as well after as before a petition for a reception order has been presented. An urgency order, if made before a petition has been presented, shall be referred to in the petition, and if made after the petition has been presented, a copy thereof shall forthwith be sent by the petitioner to the judicial authority to whom the petition has been presented.

(6.) An urgency order shall remain in force for seven days from its date; or if a petition for a reception order is pending, then until the petition is finally disposed of.

Form 2.

(7.) An urgency order shall have subjoined or annexed thereto a statement of particulars.

*Reception after Inquisition.*

Lunatics so found by inquisition.

**12.** A lunatic so found by inquisition may be received in an institution for lunatics or as a single patient upon an order signed by the committee of the person of the lunatic, and having annexed thereto an office copy of the order appointing the committee, or if no such committee has been appointed, upon an order signed by a Master.

*Summary Reception Orders.*

Lunatics not under proper care and control or cruelly treated or neglected.

**13.**—(1.) Every constable, relieving officer, and overseer of a parish, who has knowledge that any person within the district or parish of the constable, relieving officer, or overseer, who is not a pauper and not wandering at large, is deemed to be a lunatic and is not under proper care and control, or is cruelly treated or neglected by any relative or other person having the care or charge of him, shall within three days after obtaining such knowledge give information thereof upon oath to a justice being a judicial authority under this Act.

(2.) Any such justice upon the information on oath of any person whomsoever, that a person within the limits of his jurisdiction, not a pauper and not wandering at large, is deemed to be a lunatic and is not under proper care and control, or is cruelly treated or neglected as aforesaid, may himself visit the alleged lunatic, and shall, whether making such visit or not, direct and authorise any two medical practitioners whom he thinks fit to visit and examine the alleged lunatic and to certify their opinion as to his mental state, and the justice shall proceed in the same manner so far as possible, and have as to the alleged lunatic the same powers, as if a petition for a reception order had been presented by the person by whom the information with regard to the alleged lunatic has been sworn.

(3.) If upon the certificates of the medical practitioners who examine the alleged lunatic, or after such other and further inquiry as the justice thinks necessary, he is satisfied that the alleged lunatic is a lunatic, and is not under proper care and control, or is cruelly treated or neglected by any relative or other person having the care or charge of him, and that he is a proper person to be taken charge of and detained under care and treatment, the justice may, by order direct the lunatic to be received and detained in any institution for lunatics to which, if a pauper, he might be sent under this Act, and the constable, relieving officer, or overseer upon whose information the order has been made, or any constable whom the justice may require so to do, shall forthwith convey the lunatic to the institution named in the order.

Form 15.

Notice to be given of pauper lunatic who

**14.**—(1.) Every medical officer of a union who has knowledge that a pauper resident within the district of the officer is or is

deemed to be a lunatic and a proper person to be sent to an asylum, shall, within three days after obtaining such knowledge, give notice thereof in writing to the relieving officer of the district, or, if there is no such officer, to an overseer of the parish where the pauper resides.

ought to be sent to an asylum.

(2.) Every relieving officer and every overseer of a parish of which there is no relieving officer, who respectively have knowledge, either by notice from a medical officer or otherwise, that any pauper resident within the district or parish of the relieving officer or overseer is deemed to be a lunatic, shall, within three days after obtaining such knowledge, give notice thereof to a justice having jurisdiction in the place where the pauper resides.

(3.) A justice, upon receiving such notice, shall by order require the relieving officer or overseer giving the notice, to bring the alleged lunatic before him or some other justice having jurisdiction in the place where the pauper resides at such time and place within three days from the time of the notice to the justice as shall be appointed by the order.

**15.**—(1.) Every constable and relieving officer and every overseer of a parish who has knowledge that any person (whether a pauper or not) wandering at large within the district or parish of the constable, relieving officer, or overseer is deemed to be a lunatic, shall immediately apprehend and take the alleged lunatic, or cause him to be apprehended and taken, before a justice.

Lunatic wandering at large to be brought before a justice.

(2.) Any justice, upon the information upon oath of any person that a person wandering at large within the limits of his jurisdiction is deemed to be a lunatic, may by order require a constable, relieving officer, or overseer of the district or parish where the alleged lunatic is, to apprehend him, and bring him before the justice making the order, or any justice having jurisdiction where the alleged lunatic is.

**16.** The justice before whom a pauper alleged to be a lunatic or an alleged lunatic wandering at large is brought under this Act shall call in a medical practitioner, and shall examine the alleged lunatic, and make such inquiries as he thinks advisable, and if upon such examination or other proof the justice is satisfied in the first-mentioned case that the alleged lunatic is a lunatic and a proper person to be detained, and, in the secondly-mentioned case, that the alleged lunatic is a lunatic, and was wandering at large, and is a proper person to be detained, and if in each of the foregoing cases the medical practitioner who has been called in signs a medical certificate with regard to the lunatic, the justice may by order direct the lunatic to be received and detained in the institution for lunatics named in the order, and the relieving officer, overseer, or constable who brought the lunatic before the justice, or in the case of a lunatic wandering at large, any constable who may by the justice be required so to do, shall forthwith convey the lunatic to such institution.

Lunatic brought before a justice may be sent to an institution for lunatics.

Form 8.

Form 12.

**17.** Where, under this Act, notice has been given to, or an information upon oath laid before a justice that a pauper resident within the limits of his jurisdiction is deemed to be a lunatic, and

Power to examine alleged lunatic at his own

abode or elsewhere

a proper person to be sent to an asylum, or that a person, whether a pauper or not, wandering at large within the limits aforesaid, is deemed to be a lunatic, such justice may examine the alleged lunatic at his own house or elsewhere, and may proceed in all respects as if the alleged lunatic had been brought before him.

When lunatic may be treated as a pauper.

**18.** A justice shall not sign an order for the reception of a person as a pauper lunatic into an institution for lunatics, or workhouse, unless he is satisfied that the alleged pauper is either in receipt of relief, or in such circumstances as to require relief for his proper care. If it appears by the order that the justice is so satisfied, the lunatic shall be deemed to be a pauper chargeable to the union, county, or borough properly liable for his relief. A person who is visited by a medical officer of the union, at the expense of the union, is, for the purposes of this section, to be deemed to be in receipt of relief.

Suspension of removal under reception order.

**19.**—(1) A justice making an order for the reception of a lunatic otherwise than upon petition, in this Act called a "summary reception order," may suspend the execution of the order for such period not exceeding fourteen days as he thinks fit, and in the meantime may give such directions or make such arrangements for the proper care and control of the lunatic as he considers proper.

(2.) If a medical practitioner who examines a lunatic as to whom a summary reception order has been made, certifies in writing that the lunatic is not in a fit state to be removed, the removal shall be suspended until the same or some other medical practitioner certifies in writing that the lunatic is fit to be removed, and every medical practitioner who has certified that the lunatic is not in a fit state to be removed shall, as soon as in his judgment the lunatic is in a fit state to be removed, be bound to certify accordingly.

Removal of lunatic to workhouse in urgent cases.

**20.** If a constable, relieving officer, or overseer is satisfied that it is necessary for the public safety or the welfare of an alleged lunatic with regard to whom it is his duty to take any proceedings under this Act, that the alleged lunatic should, before any such proceedings can be taken, be placed under care and control, the constable, relieving officer, or overseer may remove the alleged lunatic to the workhouse of the union in which the alleged lunatic is, and the master of the workhouse shall, unless there is no proper accommodation in the workhouse for the alleged lunatic, receive and relieve, and detain the alleged lunatic therein, but no person shall be so detained for more than three days, and before the expiration of that time, the constable, relieving officer, or overseer shall take such proceedings with regard to the alleged lunatic as are required by this Act.

Temporary removal of lunatic to workhouse under order of justice.

**21.**—(1.) In any case where a summary reception order might be made, any justice, if satisfied that it is expedient for the welfare of the lunatic, or for the public safety, that the lunatic should forthwith be placed under care and control, and if it appears to him that there is proper accommodation for the lunatic in the workhouse of the union in which the lunatic is, may make an order for taking the lunatic to and receiving him in that workhouse.

(2.) In any case where a summary reception order has been made, an order under this section may be made to provide for the detention of the lunatic until he can be removed.

(3.) An order under this section shall not authorise the detention of a lunatic in a workhouse for more than fourteen days, after which period such detention shall not be lawful, except in accordance with the provisions of this Act as to the detention of lunatics in workhouses.

(4.) An order under this section may be made by any justice having jurisdiction in the place where the lunatic is.

**Power to allow a relation o friend to take charge of a lunatic.**

**22.** In the case of a lunatic as to whom a summary reception order may be made nothing in this Act shall prevent a relation or friend from retaining or taking the lunatic under his own care if a justice having jurisdiction to make the order, or the visitors of the asylum in which the lunatic is or is intended to be placed, shall be satisfied that proper care will be taken of the lunatic.

*Reception Order by two Commissioners.*

**Commissioners may send pauper lunatic to an institution for lunatics.**

**23.**—(1.) Any two or more Commissioners may visit a pauper lunatic or alleged lunatic not in an institution for lunatics, or workhouse, and may, if they think fit, call in a medical practitioner.

(2.) If the medical practitioner signs a medical certificate with regard to the lunatic, and the Commissioners are satisfied that the pauper is a lunatic, and a proper person to be detained, they may by order direct the lunatic to be received in an institution for lunatics, and the relieving officer of the district or any constable who may by them be required so to do shall forthwith convey the lunatic to such institution.

Form 8.

*Lunatics in Workhouses.*

**Lunatics in workhouses.**

**24.**—(1.) Except in the cases mentioned in this Act, no person shall be allowed to remain in a workhouse as a lunatic unless the medical officer of the workhouse certifies in writing—

(*a*) that such person is a lunatic, with the grounds for the opinion; and

Form 10.

(*b*) that he is a proper person to be allowed to remain in a workhouse as a lunatic; and

(*c*) that the accommodation in the workhouse is sufficient for his proper care and treatment, separate from the inmates of the workhouse not lunatics, unless the medical officer certifies that the lunatic's condition is such that it is not necessary for the convenience of the lunatic or of the other inmates that he should be kept separate.

(2.) A certificate under this section shall be sufficient authority for detaining the lunatic therein named against his will in the workhouse for fourteen days from its date.

(3.) No lunatic shall be detained against his will or allowed to remain in a workhouse for more than fourteen days from the date of a certificate under this section without an order under the hand of a justice having jurisdiction in the place where the workhouse is situate.

Form 11.

(4.) The order in the last preceding sub-section mentioned may be made upon the application of a relieving officer of the union to which the workhouse belongs, supported by a medical certificate under the hand of a medical practitioner, not being an officer of the workhouse, and by the certificate under the hand of the medical officer of the workhouse herein-before mentioned

Forms 8, 10.

(5.) The guardians of the union to which the workhouse belongs shall pay such reasonable remuneration as they think fit to the medical practitioner who, not being an officer of the workhouse, examines a person for the purpose of a certificate under this section.

(6.) If, in the case of a lunatic being in a workhouse, the medical officer thereof does not sign such certificate as in sub-section one of this section mentioned, or if at or before the expiration of fourteen days from the date of the certificate an order is not made under the hand of a justice for the detention of the lunatic in the workhouse, or, if after such an order has been made, the lunatic ceases to be a proper person to be detained in a workhouse, the medical officer of the workhouse shall forthwith give notice in writing to a relieving officer of the union to which the workhouse belongs that a pauper in the workhouse is a lunatic and a proper person to be sent to an asylum, and thereupon the like proceedings shall be taken by the relieving officer and all other persons for the purpose of removing the lunatic to an asylum, and within the same time, as by this Act provided in the case of a pauper deemed to be a lunatic and a proper person to be sent to an asylum, and, pending such proceedings, the lunatic may be detained in the workhouse.

(7.) In the case of a lunatic in an asylum provided for reception and relief of the insane under the Metropolitan Poor Act, 1867, notices to be given to and proceedings to be taken by a relieving officer shall be given to and taken by one of the officers of the asylum to be nominated for the purpose by the managers of the asylum district.

30 & 31 Vict. c. 6.

(8.) As regards every pauper in a workhouse at the date of the commencement of this Act, as to whom a certificate has been signed under section twenty of the Lunacy Acts Amendment Act, 1862, no certificate or order of a justice under this section shall be required

25 & 26 Vict. c. 111.

Power to send discharged pauper not recovered to a workhouse.

**25.** Where a pauper lunatic is discharged from an institution for lunatics, and the medical officer of the institution is of opinion that the lunatic has not recovered and is a proper person to be kept in a workhouse as a lunatic, the medical officer shall certify such opinion, and the lunatic may thereupon be received and detained against his will in a workhouse without further order if the medical officer of the workhouse certifies in writing that the accommodation in the workhouse is sufficient for the lunatic's proper care and treatment, separate from the inmates of the workhouse not lunatics, or that the lunatic's condition is such that it is not necessary for the convenience of the lunatic, or of the other inmates, that he should be kept separate.

Chronic lunatics may be received in

**26.**—(1.) The visitors of any asylum may, with the consent of the Local Government Board and the Commissioners, and

subject to such regulations as they respectively prescribe, make arrangements with the guardians of any union for the reception into the workhouse of any chronic lunatics, not being dangerous, who are in the asylum and have been selected and certified by the manager of the asylum as proper to be removed to the workhouse. workhouses in certain cases.

(2.) Every lunatic received in a workhouse under this section shall, while he remains there, continue a patient on the books of the asylum for the purposes of this Act so far as it relates to lunatics removed to asylums.

*Institutions in which Lunatics may be received.*

**27.**—(1.) Subject to the restrictions in this section mentioned, every summary reception order, and every reception order made by two or more Commissioners, may authorise the reception of the lunatic named in the order not only into an asylum of the county or borough in which the place from which the lunatic is sent is situate, but also into any other institution for lunatics. Institutions to which lunatics may be removed.

(2.) A lunatic shall not under any such order be sent elsewhere than to an asylum of the county or borough in which the place from which he is sent is situate, unless there is no such asylum, or there is a deficiency of room, or there are some special circumstances by reason whereof the lunatic cannot conveniently be taken to such asylum, and the deficiency of room or special circumstances shall be stated in the order.

(3.) A pauper lunatic shall not be received under an order into any asylum other than an asylum belonging wholly or in part to the county or borough in which the place from which the lunatic is sent or the parish in which he is adjudged to be settled is situate, unless there is a subsisting contract for the reception of lunatics of such county or borough therein, or such borough otherwise contributes to the asylum into which the pauper is to be received, except the order is endorsed by a visitor of that asylum.

(4.) The manager of a hospital or licensed house shall not be bound to receive any lunatic under any such order except in pursuance of a subsisting contract.

*Requirements of Reception Orders and Medical Certificates.*

**28.**—(1.) Every medical certificate under this Act shall be made and signed by a medical practitioner. Medical certificates.

(2.) Every medical certificate upon which a reception order is founded shall state the facts upon which the certifying medical practitioner has formed his opinion that the alleged lunatic is a lunatic, distinguishing facts observed by himself from facts communicated by others; and a reception order shall not be made upon a certificate founded only upon facts communicated by others.

(3.) The medical certificate accompanying an urgency order shall contain a statement that it is expedient for the welfare of the alleged lunatic or for the public safety that he should be forthwith placed under care and treatment, with the reasons for such statement. Form 9.

(4) Every medical certificate made under and for the purposes of this Act shall be evidence of the facts therein appearing and of the judgment therein stated to have been formed by the certifying medical practitioners on such facts, as if the matters therein appearing had been verified on oath.

Time and manner of medical examination of lunatic.

**29.**—(1.) A reception order shall not be made unless the medical practitioner who signs the medical certificate, or where two certificates are required, each medical practitioner who signs a certificate, has personally examined the alleged lunatic in the case of an order upon petition not more than seven clear days before the date of the presentation of the petition, and in all other cases not more than seven clear days before the date of the order.

(2.) Where two medical certificates are required, a reception order shall not be made unless each medical practitioner signing a certificate has examined the alleged lunatic separately from the other.

(3.) In the case of an urgency order, the lunatic shall not be received under the order unless it appears by the medical certificate accompanying the order that the certifying medical practitioner has personally examined the alleged lunatic not more than two clear days before his reception.

Persons disqualified for signing certificates.

**30.** A medical certificate accompanying a petition for a reception order or accompanying an urgency order shall not be signed by the petitioner or person signing the urgency order, or by the husband or wife, father or father-in-law, mother or mother-in-law, son or son-in-law, daughter or daughter-in-law, brother or brother-in-law, sister or sister-in-law, partner or assistant of such petitioner or person.

Usual medical attendant to sign medical certificate in case of private patient, if possible.

**31.** One of the medical certificates accompanying a petition for a reception order shall, whenever practicable, be under the hand of the usual medical attendant, if any, of the alleged lunatic. If for any reason it is not practicable to obtain a certificate from such usual medical attendant, the reason shall be stated in writing by the petitioner to the judicial authority to whom the petition is presented, and such statement shall be deemed to be part of the petition.

Patients not to be received under certificates by interested persons.

**32.**—(1.) No person shall be received or detained as a lunatic in any institution for lunatics, or as a single patient, where any certificate accompanying the reception order has been signed by any of the following persons:—

(*a*) The manager of the institution or the person who is to have charge of the single patient:

(*b*) Any person interested in the payments on account of the patient:

(*c*) Any regular medical attendant in the institution:

(*d*) The husband or wife, father or father-in-law, mother or mother-in-law, son or son-in-law, daughter or daughter-in-law, brother or brother-in-law, sister or sister-in-law, or the partner or assistant of any of the foregoing persons.

(2.) Neither of the persons signing the medical certificates in support of a petition for a reception order shall be the father or father-in-law, mother or mother-in-law, son or son-in-law, daughter or daughter-in-law, brother or brother-in-law, sister or sister-in-law, or the partner or assistant, of the other of them.

(3.) No person shall be received as a lunatic in a hospital under an order made on the application of, or under a certificate signed by, a member of the managing committee of the hospital.

**Commissioners and visitors not to sign certificates.**

**33.** A medical practitioner who is a Commissioner or a visitor shall not sign any certificate for the reception of a patient into a hospital or licensed house, unless he is directed to visit the patient by a judicial authority under this Act, or by the Lord Chancellor, or a Secretary of State, or a committee appointed by the judge in lunacy.

**Amendment of orders and certificates.**

**34.**—(1.) If an order or certificate for the reception of a lunatic is, after such reception, found to be in any respect incorrect or defective, such order or certificate may, within fourteen days next after such reception, be amended by the person who signed the same. No amendment shall be allowed unless the same receives the sanction of the Commissioners, or of some one of them, and (in the case of a private patient) the consent of the judicial authority by whom the order for the reception of the lunatic may have been signed.

(2.) If the Commissioners deem any such certificate to be incorrect or defective, they may, by a direction in writing, addressed to the manager of the institution for lunatics, or to the person having the charge of a single patient, require the same to be amended by the person who signed the same, and if the same be not duly amended to their satisfaction within fourteen days next after the reception of the patient, the Commissioners, or any two of them, may, if they think fit, make an order for the patient's discharge.

(3.) Every order and certificate amended under this section shall take effect as if the amendment had been contained therein when it was signed.

**Authority for reception.**

**35.**—(1.) A reception order, if the same appears to be in conformity with this Act, shall be sufficient authority for the petitioner or any person authorised by him, or in the case of an order not made upon petition for the person authorised so to do by the person making the order, to take the lunatic and convey him to the place mentioned in such ordera nd for his reception and detention therein, and the order may be acted on without further evidence of the signature or of the jurisdiction of the person making the order.

(2.) In the case of a reception order made upon petition the order, together with the petition, statement of particulars, and medical certificates upon which the order was made, shall be delivered or sent by post to the person on whose petition the order was made, and shall by him or his agent be delivered to the manager of the institution for lunatics in which, or to the person by whom, the lunatic is to be received.

Fresh order and certificates not to be required in certain cases.

**36.**—(1.) Where a reception order has been made, and the execution of the order has been suspended, or the lunatic named in the order has been temporarily taken to a workhouse under the provisions of this Act, he may be received in the institution for lunatics named in the order at any time within fourteen days after the date of the reception order.

(2.) If the removal of the lunatic has been suspended by reason of a medical certificate that the lunatic is not in a fit state for removal, the lunatic may be received in the institution for lunatics named in the order within three days after the date of a medical certificate that the lunatic is in a fit state to be removed.

(3) In all other cases a reception order shall cease to be of any force unless the lunatic has been received thereunder before the expiration of seven clear days from its date.

Order and certificate to remain in force in certain cases.

**37.**—(1.) An order for the reception of a patient as a pauper shall extend to authorise his detention though it may afterwards appear that he is entitled to be classified as a private patient, and an order required for the reception of a private patient shall authorise his detention although it may afterwards appear that he ought to be classified as a pauper patient.

(2.) If a patient is removed temporarily under the provisions of this Act from the place in which he is confined, or is transferred from one place of confinement to another, the original order and certificate or certificates upon which he was received shall remain in force.

*Duration of Reception Orders.*

Duration of reception orders.

**38.**—(1.) Every reception order dated after or within three months before the commencement of this Act, shall expire at the end of one year from its date, and any such order dated three months or more before the commencement of this Act shall expire at the end of one year after the commencement of this Act unless such orders respectively are continued as herein-after provided.

(2) In the case of any institution for lunatics the Commissioners may by order under their seal direct that the reception orders of patients detained therein shall, unless continued as herein-after provided, expire on any quarterly day next after the days on which the orders would expire under the last preceding subsection.

(3.) An order for the removal of a patient from one custody to another shall not be deemed to be a reception order within this section, but the patient who is removed shall after removal be deemed to be detained under the original reception order as a lunatic, and such order shall expire in accordance with the provisions of this section unless continued as herein-after provided.

(4.) A reception order shall remain in force for a year after the date by this Act or by an order of the Commissioners appointed for it to expire, and thereafter for two years and thereafter for three years, and after the end of such periods of one, two, and three years for successive periods of five years, if at the end of each period of one, two, three, and five years respectively a special report of the medical officer of the institution or of the medical

attendant of the single patient as to the mental and bodily condition of the patient with a certificate under his hand certifying that the patient is still of unsound mind and a proper person to be detained under care and treatment is sent to the Commissioners in manner herein-after directed. Such report shall be sent to the Commissioners not more than one month and not less than seven days before the end of each period. Form 13.

(5.) The person sending the special report shall give to the Commissioners such further information concerning the patient to whom the special report relates as they require.

(6.) If in the opinion of the Commissioners the special report does not justify the accompanying certificate, then—

(*a*.) In the case of a patient in a hospital or licensed house or under care as a single patient, the Commissioners shall make further inquiry, and if dissatisfied with the result they or any two of them may by order direct his discharge:

(*b*.) In the case of a patient in an asylum, the Commissioners shall send a copy of the report, with any other information in their possession relating to the case, to the clerk to the visiting committee of the asylum, and the committee, or any three of them, shall thereupon investigate the case and may discharge the patient or give such directions respecting him as they may think proper.

(7.) The manager of any institution for lunatics, and any person having charge of a single patient, who detains a patient after he has knowledge that the order for his reception has expired, shall be guilty of a misdemeanor.

(8.) The special reports and certificates under this section may include and refer to more than one patient.

(9.) A certificate under the hand of the secretary to the Commissioners that an order for reception has been continued to the date therein mentioned shall be sufficient evidence of the fact.

(10.) This section shall not apply to lunatics so found by inquisition.

## PART II.

### CARE AND TREATMENT.

*Reports after Reception.*

Reports upon and visits to private patients.

**39.**—(1.) The medical officer of every institution for lunatics, and the medical attendant of every single patient shall at the expiration of one month after the reception of a private patient prepare and send to the Commissioners a report as to the mental and bodily condition of the patient, in such form as the Commissioners direct.

(2.) The medical officer of every house licensed by justices shall also at the same time send a copy of such report to the clerk of the visitors of licensed houses in the county or borough where the house is situate to be by him laid before the visitors.

(3.) The Commissioners, after receiving the report upon any patient in a licensed house within their immediate jurisdiction, shall make arrangements for a visit being paid as soon as

conveniently may be to the patient by one or more of the Commissioners; and the Commissioner or Commissioners so visiting shall report to the Commissioners whether the detention of the patient is or is not proper.

(4.) The visitors, after receiving the report, shall, in every case of a private patient in a licensed house in the county or borough for which the visitors are appointed, make arrangements for a visit being paid by the medical visitor (either alone or with one or more of the other visitors) to the patient therein named for such purpose as aforesaid, as soon as conveniently may be; and if on such visit there appears to be any doubt as to the propriety of the detention of the patient, such visitor or visitors shall forthwith report the same in writing to the Commissioners, who shall thereupon make all such further inquiries as may be necessary to satisfy themselves whether the patient is properly detained as a lunatic, or whether he ought to be discharged, or whether the case ought to be reported to the Lord Chancellor with a view to an inquisition.

(5.) In the case of a single patient the Commissioners, after receiving the report, shall either make arrangements for a visit being paid as soon as conveniently may be to the patient therein named by one or more of the Commissioners, or, if no Commissioner is available, shall cause a copy of the report to be sent to a medical visitor for the county or borough in which the single patient resides, or to some other competent person, and shall direct him to visit the patient therein named as soon as conveniently may be. The Commissioner or Commissioners, or other person visiting the patient, shall report to the Commissioners whether his detention is or is not proper.

(6.) The person directed to visit a single patient under the last preceding sub-section shall for that purpose have all the powers of a Commissioner, and the Commissioners may, with the consent of the Treasury, pay to him such reasonable remuneration for his services as they think fit out of any funds which may be provided by Parliament to defray the general expenses of the Commissioners.

(7.) In the case of a private patient in an asylum or hospital the Commissioners, after receiving the report, shall either make arrangements for a visit being paid, as soon as conveniently may be, to the patient therein named by one or more of the Commissioners, who shall report to the Commissioners whether the detention of the patient is or is not proper; or the Commissioners shall send a copy of the report to the clerk to the visiting committee of the asylum or to the managing committee of the hospital, and one or more members of the committee shall thereupon, as soon as conveniently may be, visit the patient named in the report and report to the committee whether his detention is or is not proper, and the committee, or any three of them, may, upon consideration of such last-mentioned report, by writing under their hands discharge the patient or give such directions with regard to him as they think fit.

(8.) If within a month after the reception of any private patient, the institution for lunatics or house into which he was received

is visited by one or more Commissioners or by any visitors, and such patient is there seen and examined by him or them, and the propriety of his detention reported on in like manner as by this section provided, no special visit shall necessarily be paid to such patient after receipt of any such report.

(9.) If the Commissioners in any case under this section determine that a patient ought to be discharged they may make an order for his discharge.

*Mechanical Restraint.*

**Mechanical means of restraint.**

**40.**—(1.) Mechanical means of bodily restraint shall not be applied to any lunatic unless the restraint is necessary for purposes of surgical or medical treatment, or to prevent the lunatic from injuring himself or others.

(2.) In every case where such restraint is applied a medical certificate shall, as soon as it can be obtained, be signed, describing the mechanical means used, and stating the grounds upon which the certificate is founded.

(3.) The certificate shall be signed, in the case of a lunatic in an institution for lunatics or workhouse, by the medical officer thereof, and in the case of a single patient, by his medical attendant.

(4.) A full record of every case of restraint by mechanical means shall be kept from day to day; and a copy of the records and certificates under this section shall be sent to the Commissioners at the end of every quarter.

(5.) In the case of a workhouse, the record to be kept under this section shall be kept by the medical officer of the workhouse, and the copies of records and certificates to be sent shall be sent by the clerk to the guardians.

(6.) In the application of this section "mechanical means" shall be such instruments and appliances as the Commissioners may, by regulations to be made from time to time, determine.

(7.) Any person who wilfully acts in contravention of this section shall be guilty of a misdemeanour.

*Correspondence.*

**Letters of patients.**

**41.**—(1.) The manager of every institution for lunatics, and every person having charge of a single patient, shall forward unopened all letters written by any patient and addressed to the Lord Chancellor or any Judge in Lunacy, or to a Secretary of State, or to the Commissioners, or any Commissioner, or to the person who signed the order for the reception of the patient, or on whose petition such order was made, or to the Chancery Visitors or any Chancery Visitor or to any other visitors or visitor or to the visiting committee, or any member of the visiting committee of the institution, in which any patient writing such letters may be, and may also at his discretion forward to its address any other letter if written by a private patient.

(2.) Every manager of an institution for lunatics, and every person having charge of a single patient who makes default in complying with the obligation imposed on him by this section

shall for each offence be liable to a penalty not exceeding twenty pounds.

*Notices.*

Notices as to letters and interviews.

**42.**—(1.) Whenever the Commissioners so direct, there shall, unless there is no private patient therein, be posted up in every institution for lunatics, printed notices setting forth—

(*a.*) The right of every private patient to have any letter written by him forwarded in pursuance of the last preceding section;

(*b.*) The right of every private patient to request a personal and private interview with a visiting Commissioner or visitor at any visit which may be made to the institution.

(2.) The notices shall be posted in the institution, so that every private patient may be able to see the same.

(3.) The visiting Commissioners or visitors may give directions as to the places in which such notices are to be posted.

(4.) If the manager of any institution for lunatics makes default in posting such notices, or does not within ten days carry out any directions as to such notices given by the visiting Commissioners or visitors, he shall for each offence be liable to a penalty not exceeding twenty pounds.

*Medical Attendance.*

Persons disqualified to be medical attendants of lunatic.

**43.**—(1.) A medical practitioner who has signed a certificate upon which a reception order in the case of a private patient has been made shall not be the regular professional attendant of the patient while detained under the order.

(2.) A medical practitioner, who is a Commissioner or visitor, shall not professionally attend upon a patient in a hospital or licensed house, unless he is directed to visit the patient by the person on whose petition the reception order was made, or by the Lord Chancellor, or a Secretary of State, or a committee appointed by the Judge in Lunacy.

Medical attendance on single patients.

**44.**—(1.) The Commissioners may by order direct how often any single patient is to be visited by a medical practitioner.

(2.) Until any such order is made, every single patient shall be visited once at least in every two weeks by a medical practitioner not deriving, and not having a partner, father, son, or brother who derives, any profit from the charge of the patient.

(3.) Any two Commissioners may direct that the medical attendant of a single patient shall cease to act in that capacity, and that some other person be employed in his place.

(4.) If a person having charge of a single patient fails to give effect to any direction of the Commissioners under this section, he shall be guilty of a misdemeanor.

(5.) This section shall not apply to lunatics so found by inquisition.

Special report as to single patient.

**45.** The Commissioners may at any time require from the medical attendant of a single patient a report in writing as to the patient, in such form and specifying such particulars as the

Commissioners direct, and such report shall be in addition to any periodical reports required to be sent to the Commissioners.

*Power to take more than one Lunatic as a Single Patient.*

**46.** In the case of any person having charge of a single patient, if the Commissioners are satisfied that it is desirable, under special circumstances and for the interest of the patient that another patient or more than one other should reside in the same house, that person may, with the approval of the Commissioners, receive such other patient or patients on the same terms and conditions in all respects as if each of them were a single patient.

Power to take more than one person on same conditions as a single patient.

*Visits of Friends.*

**47.**—(1.) Any one of the Commissioners, as to patients confined in an institution for lunatics or other place (not being a gaol) authorised to be visited by the Commissioners, and any one of the visitors of a licensed house, as to patients confined in such house, may at any time give an order in writing under his hand for the admission to any patient of any relation or friend or of any medical or other person whom any relation or friend desires to be admitted to him.

Admission to patients of friends, relations, and others.

(2.) The order of admission may be either for a single admission, or for an admission for a limited number of times, or for admission generally at all reasonable times, and with or without any restriction as to the presence of an attendant or otherwise.

(3.) If the manager or principal officer of any institution or place refuses, prevents, or obstructs the admission to any patient of any person who produces an order of admission, he shall for every offence be liable to a penalty not exceeding twenty pounds.

*Appointment of Substitute for Person who applied for Reception Order.*

**48.**—(1.) The Commissioners may by order substitute for the person upon whose petition a reception order was made, and either during the life of such person or after his death, any other person who is willing to undertake the duties and responsibilities of the petitioner.

Power to appoint substitute for the person who applied for reception order

(2.) As from the date of an order by the Commissioners under this section the substituted person shall be subject to all the obligations and may exercise all the powers and authorities in relation to the patient of the person for whom he is substituted.

(3.) The substitution shall not release the petitioner or his estate from any liabilities already incurred by him.

(4.) An order under this section may be made with or without the consent of the petitioner, but in the last-mentioned case the order shall not be made during his life until fourteen days after the Commissioners have given to him notice in writing of their intention to take into consideration the advisability of making an order under this section and of the name of the person proposed to be substituted.

(5.) Within fourteen days after receipt of the notice the person to whom the notice is given may lay before the Commissioners a statement in writing of his reasons why an order under this section should not be made, or he may appear in person before the Commissioners at such time and place and subject to such restrictions as the Commissioners may appoint for the purpose of stating such reasons. The Commissioners shall, upon consideration of such statement, or, if no statement is made, at their own discretion, finally determine the matter, and make or decline to make the order, as they may think fit.

(6) A notice under this section may be sent by post to the last known address of the petitioner.

*Examination of Lunatic.*

Provision for any person to apply to have patient examined.

**49.** An order for the examination by two medical practitioners, authorised by the Commissioners, of any person detained as a lunatic in any institution for lunatics, or as a single patient, may be obtained from the Commissioners upon the application of any person, whether a relative or friend or not, who satisfies the Commissioners that it is proper for them to grant such order; and on production to the Commissioners of the certificates of the medical practitioners so authorised, certifying that after two separate examinations with at least seven days intervening between the first and the second examination, they are of opinion that the patient may, without risk or injury to himself or the public, be discharged, the Commissioners may order the patient to be discharged at the expiration of ten days from the date of the order.

*Inquiries as to Property.*

Inquiries as to property.

**50.**—(1.) Where any person is detained as a lunatic and the Commissioners represent to the Lord Chancellor that it is desirable that the extent and nature of his property, and its application, should be ascertained, the Lord Chancellor may, if he think fit, through the Masters, require that the person upon whose petition the reception order under which the lunatic is detained was made, or other the person paying for the care and maintenance of the lunatic or having the management of his property, shall transmit to the Lord Chancellor a statement in writing, to the best of his knowledge, of the particulars of the property of the lunatic and of its application.

(2.) The Commissioners may also, whenever they think it expedient, make inquiries as to the property of any person detained as a lunatic.]

*Application for a Search.*

Power for a Commissioner or visitor to direct a search whether a particular person has been confined.

**51.**—(1.) If any person applies to a Commissioner in order to be informed whether any particular patient is confined in any institution for lunatics, or other place subject to the visitation of the Commissioners, the Commissioner, if he thinks fit, may sign an order to the secretary of the Commissioners, who shall search amongst the returns made to the Commissioners, whether the

person inquired after is or has been within the last twelve months confined.

(2.) If it appears that the patient is or has been so confined, the secretary shall deliver to the applicant a statement in writing, specifying the situation of the institution or place in which the patient appears to be or to have been confined, and also (so far as the secretary can ascertain the same from any register or return in his possession) the name of the manager or principal officer of the institution or place, and the date of admission, and (in case of the patient's removal or discharge) the date of his removal or discharge.

(3.) If any such application is made to a visitor as to any licensed house within his jurisdiction, the visitor may make the like order upon the clerk to the visitors, who shall make search among the returns made to him, and deliver to the applicant the like statement as to any such licensed house as the secretary of the Commissioners is by this section required to make and deliver.

(4.) The applicant shall pay to the person required to make a search under this section such sum not exceeding seven shillings as the Commissioners or visitors fix.

*Diet.*

**Diet of patients.**

**52.**—(1.) The visiting Commissioners may determine and regulate the diet of the pauper patients in any hospital or licensed house.

(2.) The visitors of a licensed house shall have the like power as to that house, subject, nevertheless, to any direction the visiting Commissioners may give.

*Employment of Males in care of Females.*

**Males not to be employed in personal custody of females.**

**53.** It shall not be lawful to employ any male person in any institution for lunatics in the personal custody or restraint of any female patient, and any person employing a male person contrary to this section shall be liable to a penalty not exceeding twenty pounds. Provided that this section shall not extend to prohibit or impose a penalty on the employment of male persons on such occasions of urgency as may in the judgment of the manager of the institution render such employment necessary, but the manager shall in each case report the employment to the visiting commissioners or visitors at their next visit.

*Book to be kept in Workhouse.*

**Book to be kept in workhouse.**

**54.**—(1.) The visiting guardians of every union shall, once at least in each quarter, enter in a book to be provided and kept by the master of the workhouse, such observations as they may think fit to make respecting the diet, accommodation, and treatment of the lunatics or alleged lunatics in the workhouse.

(2.) Such book shall be laid by the master before the Commissioner or Commissioners at his or their next visit.

*Absence on Trial or for Health.*

Absence on trial or for health.

**55.**—(1.) Any two visitors of an asylum, with the advice in writing of the medical officer, may permit a patient in the asylum to be absent on trial so long as they think fit.

(2.) The visitors may make an allowance to a pauper lunatic absent from the asylum on trial, not exceeding the charge in the asylum, and that allowance, and no more, shall be paid for him as if he were in the asylum.

(3.) The manager of any hospital or licensed house may, with such consent as herein-after mentioned,—

(*a.*) send or take, under proper control, any private patient or two or more private patients to any specified place for such period as may be thought fit for the benefit of his or their health:

(*b.*) permit a private patient to be absent upon trial for such period as may be thought fit.

(4.) The consent required by this section shall be either that of a Commissioner, or in the case of a hospital that of two members of the managing committee, or in the case of a house licensed by justices that of two of the visitors. Any such consent may be renewed, and the place when required to be specified varied.

(5.) Before such consent is given, the approval in writing of the person on whose petition the reception order was made, or by whom the last payment on account of the lunatic was made, shall be produced, unless the consenting persons, on cause being shown, dispense with the same.

(6.) A Commissioner as regards any hospital or licensed house, and two members of the managing committee of a hospital, and two of the visitors of a house licensed by visitors, may, of their own authority, permit a pauper patient to be absent upon trial for such period as may be thought proper, and may make or order to be made an allowance to the pauper, not exceeding the charge for him in the hospital or house, which shall be payable as if he were in the hospital or house, but shall be paid over to him or for his benefit as the Commissioners or visitors may direct.

(7.) The medical officer of a hospital or licensed house may, of his own authority, permit any patient to be absent from the hospital or house for a period not exceeding forty-eight hours.

(8.) If a person allowed to be absent on trial for any period does not return at the expiration thereof, and a medical certificate certifying that his detention as a lunatic is no longer necessary is not sent to the visitors of the asylum or the manager of the hospital or house, he may at any time within fourteen days after the expiration of the period of trial be retaken as in the case of an escape.

Change of residence of single patients.

**56.**—(1.) Any person having charge of a single patient may change his residence and remove the patient to any new residence of such person in England.

(2.) Seven clear days before a change of residence, the person having charge of a single patient shall give notice in writing thereof, and of the place of the new residence, to the Commis-

sioners and to the person on whose petition the reception order was made, or by whom the last payment on account of the patient was made.

(3.) Any person having charge of a single patient, with the previous consent of a Commissioner, may take or send the patient, under proper control, to any specified place or places, for any definite time, for the benefit of his health.

(4.) Before any consent by a Commissioner is given, the approval in writing of the person on whose petition the reception order was made, or by whom the last payment on account of the patient was made, shall be produced to the Commissioner, unless, on cause being shown, he dispenses with the same.

*Boarding-out Lunatics.*

**Maintenance for pauper lunatic taken charge of by relatives.**

**57.**—(1.) Where application is made to the visiting committee of an asylum by any relative or friend of a pauper lunatic confined therein that he may be delivered over to the custody of such relative or friend, the committee may, upon being satisfied that the application has been approved by the guardians of the union to which the lunatic is chargeable or the local authority liable for his maintenance, and, in case the proposed residence is outside the limits of such union or the area subject to such local authority, then also by a justice having jurisdiction in the place where the relative or friend resides, and that the lunatic will be properly taken care of, order the lunatic to be delivered over accordingly.

(2.) Where any such order is made, the authority liable for the maintenance of the lunatic shall pay to the person to whom the lunatic is delivered such allowance for the maintenance of the lunatic, not exceeding the expenses which would be incurred on his account if he were in the asylum, as such authority on the recommendation of the visiting committee of the asylum from which the lunatic was delivered over thinks proper.

(3.) For the purposes of section twenty-four, subsection (2) (f), of the Local Government Act, 1888, a lunatic boarded-out by the authorities of any asylum shall be deemed to be a lunatic maintained in an asylum. 51 & 52 Vict. c. 41.

*Removal of Lunatics.*

**Removal of private patient by person authorised to discharge the patient.**

**58.** A person having authority to order the discharge of a private patient from an institution for lunatics, or of any single patient, may, with the previous consent in writing of a Commissioner, by order in writing direct the removal of the patient to any institution for lunatics or to the charge of any person named in the order.

**Removal of lunatics by Commissioners.**

**59.**—(1.) Any two Commissioners may by order direct the removal of a lunatic from an institution for lunatics to any other institution for lunatics.

(2.) Upon the death of a person having charge of a single patient, the Commissioners may, upon the application of the person having authority to discharge the patient, or if he does not apply within seven days after the death, upon their own motion, direct

the patient to be removed to the charge of a person named in the order.

(3.) Any two Commissioners may at any time by order direct the removal of a lunatic from the charge of any person under whose care he is as a single patient, to the charge of any other person or to any institution for lunatics.

Removal of lunatic from workhouse by Commissioners.

**60.**—(1.) Where, upon the visitation of a workhouse by any two or more Commissioners, it appears to them that a lunatic or alleged lunatic therein is not a proper person to be allowed to remain in a workhouse, they may by order direct the lunatic to be removed to an institution for lunatics, and every such order shall have the same effect as a summary reception order.

(2.) The guardians of the union to which the workhouse belongs may appeal against an order under this section within one month from the making thereof to a Secretary of State, who shall thereupon employ a Commissioner, not being one of the Commissioners who made the order, or some other person, to make a special visitation of the workhouse and to report to him upon the matter, and the decision of the Secretary of State upon such report shall be conclusive.

Removal of lunatic in a hospital or licensed house by guardians.

**61.**—(1.) The authority liable for the maintenance of a pauper lunatic detained in a hospital or licensed house may make an order for the removal of the lunatic, and may direct the mode of removal.

(2.) Upon production to the manager of the hospital or house of a copy of the order he shall forthwith remove the patient or suffer him to be removed.

Removal from workhouse by guardians.

**62.** The guardians of the union to which a workhouse belongs may make an order for the removal of any lunatic detained therein.

Removal of lunatic boarded out into asylum.

**63.** Where the visiting committee of an asylum has made an order for a pauper lunatic in the asylum to be delivered to the custody of a relative or friend, any two members of the committee may at any time, if they think fit, order the lunatic to be removed to the asylum.

Removal of pauper into county asylum.

**64.** Any two visitors of an asylum may order a pauper lunatic chargeable to any union within any county or borough to which the asylum wholly or in part belongs, or to such county or to any county for the reception of the pauper lunatics whereof into that asylum there is a subsisting contract, to be removed to that asylum from any other institution for lunatics in which he may be detained.

Removal of pauper from asylum.

**65.**—(1.) Any two visitors of an asylum may order a pauper lunatic in the asylum to be removed to some other institution for lunatics.

(2.) A lunatic shall not be removed under this section without the consent in writing of two Commissioners, except to—

(*a.*) an asylum within or belonging wholly or in part to the county within which the asylum from which the lunatic is removed is situate, or to the county in some parish of which the lunatic may have been adjudged to be settled; or

(*b.*) a hospital or licensed house within any such county as aforesaid; or

(*c.*) an institution for lunatics into which the lunatic can be received under a subsisting contract.

**66.** The visitors making an order for the removal of a pauper lunatic may by the order require any relieving officer, or other officer of the union, county, or borough to which the lunatic is chargeable, or may authorise any other person, to execute the same.

Directions as to execution of order for removal.

**67.** A pauper lunatic shall not be removed under any order for removal made by two visitors without a medical certificate signed by the medical officer of the institution for lunatics from which the patient is to be removed, certifying that he is in a fit condition of bodily health to be removed.

Restriction upon removal of paupers by two visitors.

**68.** Where a union is in more than one county, and the workhouse of the union is in one county, and the place from which a lunatic was sent to the workhouse is in another county, an order may be made by a justice for the county in which the workhouse is, or a justice for the county from which the lunatic was sent, for the removal of the lunatic either to the asylum of the county in which the workhouse is or to the asylum of the county from which the lunatic was sent, and such latter order may be made notwithstanding that there may be an asylum of the county in which the workhouse is, and there may not be a deficiency of room or any other special circumstances by reason whereof the lunatic cannot conveniently be taken to that asylum.

Removal of lunatic from workhouse by a justice.

**69.** Except under the provisions of the preceding section a pauper lunatic shall not be removed under an order of removal to any institution for lunatics into which he could not have been received under a reception order.

Restriction as to institution to which pauper may be removed.

**70.**—(1.) Every order for the removal of a lunatic from an institution for lunatics or from the charge of any person and the consent of the Commissioners thereto, where required, shall be in duplicate. One duplicate shall be delivered to the manager of the institution for lunatics or the person from whose care the lunatic is removed, and the other to the manager of the institution for lunatics, or the person into whose care the lunatic is removed.

Removal orders to be in duplicate.

(2.) Every such order, with such consent as aforesaid where required, shall be sufficient authority for the removal and reception of the lunatic, in accordance with the order.

(3.) The manager of the institution from which, or the person from whose care the lunatic is removed under any such order, shall deliver, free of expense, a copy of the reception order and documents accompanying the same to the person executing the order for removal, to be by him delivered to the manager of the institution into which or the person into whose care the lunatic is removed.

(4.) Every such copy shall be certified under the hand of the person whose duty it is to deliver the same.

Removal of alien to his native country.

**71.**—(1.) Where an alien is detained as a lunatic, and his family or friends desire that he should be removed to the country of which he is a subject, the Commissioners, upon application by any member of the family or by a friend of the alien, may inquire into the circumstances of the case and report thereon to a Secretary of State.

(2.) A Secretary of State, if satisfied by such report that the person to whom the report relates is an alien and a lunatic, and that his removal is likely to be for his benefit, and that proper arrangements have been made for such removal and for his subsequent care and treatment, may, by warrant, direct the alien to be delivered to the person named in the warrant for the purpose of removal to the country of which he is a subject, and every such warrant shall be obeyed by the person or authority under whose charge the lunatic is.

(3.) A warrant under this section shall be sufficient authority for the master of any vessel to receive and detain the lunatic on board the vessel, and to convey him to his destination.

*Discharge of Lunatics.*

Discharge of private patient.

**72.**—(1.) A private patient detained in an institution for lunatics, or under care as a single patient, shall be discharged if the person on whose petition the reception order was made by writing under his hand so directs.

(2.) If that person is dead, or incapable by reason of insanity, absence from England, or otherwise, of signing an order for discharge, or, if a patient having been originally classified as a pauper is afterwards classified as a private patient, the person who made the last payment on account of the patient, or the husband or wife, or if there is no husband or wife, or the husband or wife is incapable as aforesaid, the father, or if there is no father, or he is incapable as aforesaid, the mother of the patient, or, if there is no mother, or she is incapable, then any one of the nearest of kin of the patient, may give the direction for his discharge.

(3.) If there is no person qualified to direct the discharge of a patient under this section, or no person able or willing to act, the Commissioners may order his discharge.

Discharge of pauper in hospital or house.

**73.** The authority liable for the maintenance of a pauper lunatic detained in a hospital or licensed house may make an order for the discharge of the lunatic, and may direct the mode of discharge, and upon production to the manager of the hospital or house of a copy of the order he shall forthwith discharge the patient, or suffer him to be discharged.

Restriction on discharge.

**74.** A patient shall not be discharged under the provisions of the two preceding sections if the medical officer of the institution, or, in the case of a single patient, his medical attendant, certifies in writing that the patient is dangerous and unfit to be at large, together with the grounds on which the certificate is founded, unless two of the visitors of the asylum, or the Commissioners visiting the hospital or house, or the visitors of the house, or in the case of a single patient, one of the Commissioners, after the

certificate has been produced, consent in writing to the patient's discharge.

Discharge by Commissioners of patients in hospital or licensed house, and of single patients.

**75.** Two of the Commissioners, one of whom shall be a medical and the other a legal Commissioner, may visit a patient detained in any hospital or licensed house, or as a single patient, and may, within seven days after their visit, if the patient appears to them to be detained without sufficient cause, make an order for his discharge.

Notice of order of discharge.

**76.**—(1.) The Commissioners when they have made any order of discharge shall forthwith serve the same upon the manager of the institution for lunatics where the patient is detained, or upon the person having charge of the patient as a single patient, and shall give notice of such order,—

(*a.*) In the case of a private patient, to the person on whose petition the reception order was made or who made the last payment on account of the patient:

(*b.*) In the case of a pauper, to the authority liable for his maintenance.

(2.) Any person who has been duly served with any such order of discharge and detains a patient after the date of discharge appointed thereby shall be guilty of a misdemeanor.

Visitors may discharge patients in asylums.

**77.**—(1.) Any three visitors of an asylum may order the discharge of any person detained therein whether he is recovered or not.

(2.) Any two such visitors, with the advice in writing of the medical officer, may order the discharge of any person detained in the asylum.

Discharge by visitors of lunatics in licensed houses.

**78.**—(1.) If after two visits by two visitors to a house licensed by justices, it appears to the visitors that any patient is detained without sufficient cause, the visitors may make such order as they think fit for his discharge.

(2.) In the case of visits under this section, one of the visitors shall be a medical practitioner.

(3.) The two visits shall be made by the same visitors at an interval of not less than seven days.

(4.) Seven days' notice of the second visit shall be given either by post or by an entry in the patients book to the manager of the house, who shall forthwith send by post a copy of the notice, in the case of a private patient to the person on whose petition the reception order was made, or by whom the last payment on account of the lunatic was made, and in the case of a pauper to the authority liable for his maintenance, and also to the clerk of the visitors of the house.

(5.) The visitors before making an order under this section shall examine the medical officer of the house as to his opinion respecting the fitness of the patient to be discharged, if he tenders himself for examination.

(6.) If after such examination an order for discharge is made, and the medical officer furnishes to the visitors a statement of his reasons against the discharge, they shall forthwith send the statement to the clerk of the visitors.

(7.) This section shall not apply to a lunatic so found by inquisition.

(8.) Every order under this section shall be signed by the visitors by whom it is made.

Discharge of pauper on application of relative or friend.

**79.** When application is made to the visiting committee of an asylum by a relative or friend of a pauper lunatic confined therein, requiring that he may be delivered over to the custody and care of such relative or friend, any two of the visitors may, if they think fit, discharge the lunatic upon the undertaking of the relative or friend, to their satisfaction, that the lunatic shall be no longer chargeable to any union, county, or borough, and shall be properly taken care of and prevented from doing injury to himself or others.

Visiting committee may send notice of intention to discharge pauper lunatic to relieving officer or clerk of local authority.

**80.**—(1.) When the visitors of an asylum order a pauper lunatic confined therein to be discharged, except on the application of a relative or friend, they may, when they think fit, send a notice in writing, signed by the clerk of the asylum, by post or otherwise, of their intention to discharge the lunatic to a relieving officer of the union to which the lunatic is chargeable, or to the clerk of the local authority liable for his maintenance.

(2.) Upon receipt of such notice, the relieving officer or clerk shall cause the lunatic upon his discharge to be forthwith removed to the workhouse of the union to which the lunatic is chargeable, or, if the lunatic is chargeable to a county or borough, to the workhouse of the union from which he was sent to the asylum.

Discharge from workhouse by guardians.

**81.** The guardians of the union to which a workhouse belongs may make an order for the discharge of any lunatic detained therein.

Copies of reception order and other documents to be furnished.

**82.** The Secretary to the Commissioners shall, upon the discharge of a person who considers himself to have been unjustly confined as a lunatic, furnish to him upon his request, free of expense, a copy of the reception order and certificate or certificates upon which he was confined, and if the order was made upon petition, also of the petition and statement of particulars upon which the reception order was made.

*Recovery of Patient.*

Notice to be given on recovery of a patient.

**83.**—(1.) The manager of every hospital and licensed house, and a person having charge of a single patient, shall forthwith, upon the recovery of a patient, send notice thereof in the case of a patient not a pauper to the person on whose petition the reception order was made, or by whom the last payment on account of the patient was made, and in the case of a pauper to the guardians of his union, or if a local authority is liable for his maintenance to the clerk of the local authority.

(2.) The notice shall state that unless the patient is removed within seven days from the date of the notice he will be discharged.

(3.) In case the patient is not removed within seven days from the date of the notice he shall be forthwith discharged.

*Inquiry into Cause of Death.*

**84.** Every coroner shall upon receiving notice of the death of a lunatic within his district, if he considers that any reasonable suspicion attends the cause and circumstances of the death, summon a jury to inquire into the same. Coroner to inquire into death, if necessary.

*Escape and Recapture.*

**85.** If any person detained as a lunatic under this Act escapes, he may, without a fresh order and certificate or certificates, be retaken at any time within fourteen days after his escape by the manager of the institution for lunatics or the master of the workhouse in which he was detained, or any officer, or servant thereof respectively, or by the person in whose charge he was as a single patient, or by anyone authorised in writing by such manager, master, or person. Escape and recapture.

**86.**—(1.) If any person detained as a lunatic under lawful authority in England escapes into Scotland or Ireland, notice of the escape shall as soon as practicable be given to the Commissioners, who may, by writing under their seal, authorise an application to be made by such person as they think fit to any justice having jurisdiction in the place where the lunatic was so detained for a warrant authorising such person to retake the lunatic and bring him back to such place. Escape from England into Scotland or Ireland.

(2.) Such warrant, when granted, shall in Scotland or Ireland as well as in England be sufficient primâ facie evidence that the person stated therein to have escaped was so detained as a lunatic under lawful authority as aforesaid, and of the fact of his escape, and shall be sufficient authority for any sheriff in Scotland, or for any justice in Ireland, to countersign the same; and any such warrant so countersigned may be executed in Scotland, or Ireland, as the case may be, by retaking such lunatic and bringing him from thence, to the intent that he may be restored to the custody from which he escaped.

**87.**—(1.) If any person detained as a lunatic under lawful authority in Scotland escapes into England or Ireland, notice of the escape shall as soon as practicable be given to the General Board of Commissioners in Lunacy for Scotland, who may, by writing under the hand of one of such Commissioners, authorise an application to be made by such person as they think fit to any sheriff having jurisdiction in the place where the lunatic was so detained for a warrant authorising such person to retake the lunatic and bring him back to such place. Escape from Scotland into England or Ireland.

(2.) Such warrant, when granted, shall in England and Ireland as well as in Scotland be sufficient primâ facie evidence that the person stated therein to have escaped was so detained as a lunatic under lawful authority as aforesaid, and of the fact of his escape, and shall be sufficient authority for any justice in England or Ireland to countersign the same; and any such warrant so countersigned may be executed in England or Ireland, as the case may be, by retaking such lunatic and bringing him from thence, to the

intent that he may be restored to the custody from which he escaped.

(3.) For the purposes of this section a writing purporting to be signed by one of the Commissioners in Lunacy for Scotland shall be deemed to have been signed by him until the contrary is proved.

Escape from Ireland into England or Scotland.

**88.**—(1.) If any person detained as a lunatic under lawful authority in Ireland escapes into England or Scotland, notice of the escape shall as soon as practicable be given, where such person has been so detained by order of the Lord Chancellor for the time being entrusted by the sign manual of Her Majesty with the care and commitment of the custody of the persons and estates of lunatics in Ireland, to the Registrar in Lunacy, and in other cases to the Inspectors of Lunatics in Ireland, who may, by writing under the hand of the said registrar, or one of the said inspectors, as the case may be, authorise an application to be made by such person as they think fit to any justice having jurisdiction in the place where the lunatic was so detained for a warrant authorising such person to retake the lunatic and bring him back to such place.

(2.) Such warrant, when granted, shall in England and Scotland as well as in Ireland be sufficient primâ facie evidence that the person stated therein to have escaped was so detained as a lunatic under lawful authority as aforesaid, and of the fact of such escape, and shall be sufficient authority for any justice in England, and for any sheriff in Scotland, to countersign the same; and any such warrant so countersigned may be executed in England or Scotland, as the case may be, by retaking the lunatic and bringing him from thence, to the intent that he may be restored to the custody from which he escaped.

(3.) For the purposes of this section a writing purporting to be signed by the Registrar in Lunacy, or one of the Inspectors of Lunatics in Ireland, as the case may be, shall be deemed to have been signed by him unless the contrary is proved.

Limit of time of retaking lunatic.

**89.** A warrant, granted under any of the three preceding sections, shall not authorise the retaking of a lunatic after the expiration of the time during which he could have been retaken according to the law in force in the place where he was detained as a lunatic if he had remained there after his escape.

## PART III.

### JUDICIAL INQUISITION AS TO LUNACY.

*The Inquisition.*

Order for inquisition as to lunacy.

**90.**—(1.) The Judge in Lunacy may upon application by order direct an inquisition whether a person is of unsound mind and incapable of managing himself and his affairs.

(2.) Where the alleged lunatic is within the jurisdiction, he shall have notice of the application and shall be entitled to demand an inquiry before a jury.

(3.) Upon the hearing of the application, the alleged lunatic may withdraw any demand for a jury made by him.

**91.** Where the alleged lunatic demands a jury, the Judge in Lunacy shall in his order for inquisition direct the return of a jury, unless he is satisfied, by personal examination of the alleged lunatic, that he is not mentally competent to form and express a wish for an inquisition before a jury, and the Judge may, where he deems it necessary, and for the purpose of personal examination, require the alleged lunatic to attend him at such convenient time and place as he may appoint.

Demand of a jury by alleged lunatic.

**92.** Where the alleged lunatic does not demand a jury, or the Judge in Lunacy is satisfied by a personal examination that he is not mentally competent to form and express a wish in that behalf, and it appears to the Judge, upon consideration of the evidence, and of the circumstances of the case, to be unnecessary or inexpedient that the inquisition should be before a jury, and he accordingly does not in his order for inquisition direct the return of a jury, then the Masters shall, without a jury, personally examine the alleged lunatic, and take such evidence, upon oath or otherwise, and call for such information as they think fit or the Judge directs, in order to ascertain whether or not the alleged lunatic is of unsound mind, and shall certify their finding thereon.

Cases where a jury may be dispensed with.

**93.** Where the Judge in Lunacy does not in his order for inquisition direct the return of a jury, but the Masters, upon consideration of the evidence, certify that in their opinion an inquisition before a jury is expedient, they shall, without further order, issue their precept to the sheriff, and shall proceed in like manner in all respects, and their proceedings shall be as valid and effectual as if the Judge had directed the return of a jury in the first instance.

Jury to be had, if masters certify that it is expedient

**94.**—(1.) Wherever the Judge in Lunacy orders an inquisition before a jury, he may by his order direct an issue to be tried in the High Court, and the question in such issue shall be, whether the alleged lunatic is of unsound mind and incapable of managing himself or his affairs; and the provisions of this Act with respect to commissions of lunacy, and orders for inquisition to be tried by a jury, and the trial thereof, and the constitution of the jury, shall apply to any issue to be directed as aforesaid, and the trial thereof, and subject thereto and to the provisions of this Act such issue and the trial thereof shall be regulated by the Rules of the Supreme Court for the time being in force relating to the trial of issues of fact by a jury, and the verdict upon any such issue finding the alleged lunatic to be of unsound mind and incapable of managing himself or his affairs shall have the same effect as an inquisition under this Act.

Inquiries before a jury may be made by means of an issue in the High Court.

(2.) On the trial of every such issue the alleged lunatic shall, if he is within the jurisdiction, be examined before the evidence is taken, and at the close of the proceedings, before the jury consult as to their verdict, unless the Judge who tries the issue otherwise directs; and such examinations shall take place either in open court or in private as such Judge directs.

**95.** Where the Masters certify that the alleged lunatic is of unsound mind, and incapable of managing himself or his affairs,

Certificate of masters without a jury to

have the force and effect of an inquisition.

or that he is of sound mind, and capable of managing his affairs, the certificate shall have the same effect as an inquisition taken upon the oath of a jury.

Jury to be had if lunatic out of jurisdiction.

**96.** Where the alleged lunatic is not within the jurisdiction it shall not be necessary to give him notice of the application for inquisition, and the inquisition shall be before a jury.

Number of jury.

**97.** The Lord Chancellor may, by order, regulate the number of jurors to be sworn, but so that every inquisition upon the oath of a jury be found by the oaths of twelve men, at least.

Nature and limit of inquisitions.

**98.**—(1.) The inquisition shall be confined to the question whether or not the alleged lunatic is at the time of the inquisition of unsound mind, and incapable of managing himself or his affairs, and no evidence as to anything done or said by him, or as to his demeanour or state of mind at any time, being more than two years before the time of the inquisition, shall be receivable in proof of insanity, or on the trial of any traverse of an inquisition, unless the person executing the inquisition otherwise directs.

(2.) If upon such inquisition it appears that the alleged lunatic is of unsound mind, so as to be incapable of managing his affairs, but that he is capable of managing himself, and is not dangerous to himself or to others, it may be so specially found and certified.

Power of person executing inquiry.

**99.** The person executing an inquisition with a jury shall, while so employed, have all the powers, authorities, and discretion of a Judge of the High Court.

Inquisition may be ordered on report of Commissioners.

**100.** Where the Commissioners report to the Lord Chancellor that they are of opinion that the property of any person detained or taken charge of as a lunatic, but not so found by inquisition, is not duly protected, or that the income thereof is not duly applied for his benefit, or to the same effect, the report shall be filed with the Masters, and shall be deemed to be an application for inquisition supported by evidence, and the alleged lunatic shall have notice of the report from such person as the Judge in Lunacy directs, and the case shall proceed and be conducted as nearly as may be in all respects as is herein-before directed upon an application for inquisition.

*Traverse and Supersedeas of an Inquisition.*

Applications for traverse to be made within a limited time.

**101.**—(1.) Any person desiring to traverse an inquisition, not being a verdict upon an issue tried in the High Court, may, within three months next after the day of the return of the inquisition, apply for that purpose to the Judge in Lunacy.

(2.) The Judge shall hear and determine the application, and shall in his order upon it for a traverse limit a time, not exceeding six months from the date of the order, within which the person desiring to traverse and all other proper parties are to proceed to trial of the traverse.

(3.) The Judge may by the same or any other order direct that the person desiring to traverse, not being the person the object of the inquisition, shall within three weeks next after the date of

the order, give sufficient security to and to the satisfaction of the Masters for all proper parties proceeding to trial within the time to be limited as aforesaid.

**102.** Every person who does not within the appointed time apply for a traverse, or who refuses or neglects to give such security as aforesaid, or who does not proceed to trial within the appointed time, shall be absolutely barred of the right of traverse: Provided that the Judge in Lunacy may, under the special circumstances of any particular case, extend the time upon such terms as he thinks just.

Persons not proceeding to trial within limited time barred.

**103.** If the Judge in Lunacy is dissatisfied with the verdict returned upon a traverse, he may order one or more new trial or trials thereon, as he thinks fit; but no person shall be admitted to traverse oftener than once.

Judge may direct new trials.

**104.** A traverse of a verdict upon an issue tried in the High Court shall not be allowed, but the Judge in Lunacy may, if he thinks fit, upon application within three months next after the trial of any such issue, order a new trial of the issue, or a new inquisition as to the insanity of the alleged lunatic, subject to such directions and upon such conditions as to the Judge may seem proper.

New trial of an issue.

**105.** If it appears to the Judge in Lunacy that it is not expedient or for the benefit of the lunatic that the commission should be unconditionally superseded, but that the same should be superseded on terms and conditions, he may, upon the consent of the lunatic and any other persons whose consent he deems necessary, order the commission to be superseded upon such terms and conditions as he thinks proper, and the Judge may make such orders as he thinks fit for giving effect to such terms and conditions.

Commission may be superseded on conditions.

**106.**—(1.) The Judge in Lunacy, if satisfied by a report of the Commissioners, or of one of the Chancery Visitors, or on any other evidence, that a lunatic so found by inquisition is cured or capable of managing himself, and not dangerous to himself or others, though incapable of managing his affairs, may, if he thinks it desirable that the ordinary proceedings for a supersedeas should not be insisted on, by order supersede the inquisition, so far as the same finds that the lunatic is incapable of managing himself, and rescind or vary any order for the commitment of the person of the lunatic.

Power to supersede inquisition as regards commitment of person.

(2.) An order under this section may be made on such terms and conditions as the Judge thinks fit.

(3.) Notice of an order under this section shall be forthwith given to the committee of the person of the lunatic, and also to the person under whose care the lunatic is.

*Transmission of Inquisition and Supersedeas to Ireland and England.*

**107.** Where it is desired that an inquisition taken, or a writ of supersedeas issued in England or Ireland, should be acted upon in Ireland or England, the proper officer may, under order of the

Transmission of inquisition and supersedeas to

Ireland and England.

Judge in Lunacy in England, or the Lord Chancellor for the time being entrusted by the sign manual of Her Majesty with the care and commitment of the custody of the persons and estates of lunatics in Ireland, as the case may be, transmit a transcript of the record of the inquisition, or of the writ, to the Registrar in Lunacy in Ireland or the High Court in England, as the case may be, which transcript shall thereupon be entered and be of record there respectively, and shall, when so entered of record, and if and so long only as the Lord Chancellor entrusted as aforesaid in Ireland and the Judge in Lunacy in England, as the case may be, thinks fit, be acted upon by them respectively, and be of the same validity and effect, to all intents and purposes, as if the inquisition had been taken or the writ issued in Ireland or England respectively.

## PART IV.

### JUDICIAL POWERS OVER PERSON AND ESTATE OF LUNATICS.

*The Judge in Lunacy.*

Jurisdiction of judge in lunacy.

**108.**—(1.) The jurisdiction of the Judge in Lunacy under this Act shall be exercised either by the Lord Chancellor for the time being entrusted by the Sign Manual of Her Majesty with the care and commitment of the custody of the persons and estates of lunatics, acting alone or jointly with any one or more of such Judges of the Supreme Court as may for the time being be entrusted as aforesaid, or by any one or more of such Judges as aforesaid.

(2) The Judge in Lunacy may make orders for the custody of lunatics so found by inquisition and the management of their estates, and every such order shall take effect as to the custody of the person immediately, and as to the custody of the estate upon the Master's certificate of completion of the committee's security.

(3) Where upon the inquisition it is specially found or certified that the person to whom the inquisition relates is of unsound mind so as to be incapable of managing his affairs, but that he is capable of managing himself, and is not dangerous to himself or to others, the Judge in Lunacy may make such orders as he thinks fit for the commitment of the estate of the lunatic and its management, including all proper provisions for the maintenance of the lunatic, but it shall not be necessary, unless in the discretion of the judge it appears proper to do so, to make any order as to the custody or commitment of the person of the lunatic.

(4) Any order under this section may be made notwithstanding proceedings are pending for a traverse or new trial, and any person acting upon an order so made shall be indemnified as effectually as if there had been no right of traverse or new trial.

Costs.

**109.** The costs of all proceedings for the purpose of ascertaining whether a person is lunatic, and of all proceedings in the matter of a lunatic shall be in the discretion of the Judge in Lunacy, who may order all or any of such costs to be paid by the lunatic or alleged lunatic, or to be charged upon and paid out of his estate,

or such part thereof as the Judge thinks fit, or by any other party to the proceedings; and in the case of the death of the lunatic or alleged lunatic, an order for payment of costs out of his estate may be made within six years next after the right to recover the costs has accrued, and every such order shall have the effect of an order of the High Court.

**110.** The powers and authorities given by this Act to the Judge in Lunacy shall extend to property within any British possession. Powers to extend to British possessions.

*The Masters.*

**111.**—(1.) There shall continue to be Masters in Lunacy as heretofore, and they shall, subject to the provisions of this Act and the Rules in Lunacy execute and perform the same powers and duties as heretofore, and shall perform such other duties for the benefit of lunatics and their estates as the Lord Chancellor may direct. Masters in Lunacy.

(2.) The powers and authorities of the Masters shall be joint and several, and they shall execute commissions and conduct inquiries connected with lunatics or their estates, and perform all other duties committed to them, either separately or together, and at such places, within such times, and in such manner as the Rules in Lunacy, and, subject thereto, as the Judge in Lunacy may by any special order direct.

(3.) A Master must be a barrister of not less than ten years standing, and shall be appointed by the Lord Chancellor.

(4.) A Master shall, before being capable of acting, make before the Lord Chancellor, in the manner now used, the declaration to be made by a Master set forth in the First Schedule.

(5.) The Masters shall have such clerks and officers as the Lord Chancellor may, with the concurrence of the Treasury as to number and salaries, determine.

(6.) The salaries of the Masters, their clerks and officers, and their expenses to the amount sanctioned by the Treasury, shall be paid out of moneys provided by Parliament.

**112.** A general commission of inquiry, with such variations as may be expedient, may from time to time be issued in duplicate under the Great Seal, directed to the Masters by name, jointly and severally, who shall by virtue thereof proceed, in each case of alleged lunacy concerning which the Judge in Lunacy orders them to inquire, in like manner and with all the like powers and authorities (subject to the provisions in this Act contained) as heretofore. Commission of inquiry.

**113.** The Lord Chancellor may issue a commission specially to any person or persons alone or in addition to the Masters, or one of them, if upon any occasion he thinks it proper to do so; and the provisions of this Act so far as applicable shall extend to every commission so issued specially. Special Commission may issue.

**114.** The Masters may administer any oath and take any affidavit and may summon any person to give evidence before them, and every person so summoned shall be bound to attend as required by the summons. Power to summon witnesses.

*Expiration of Orders for the Commitment of Person.*

Order for custody of person of lunatic so found to determine unless continued.

**115.**—(1.) The medical attendant of every lunatic so found by inquisition shall, before the expiration of one, three, and six years respectively from the commencement of this Act, and before the expiration of every subsequent period of five years after the expiration of six years from the commencement of this Act, send to the Masters a report as to the mental and bodily condition of the patient, with a certificate under his hand certifying, if it is the fact, that the patient is still of unsound mind and a proper person to be detained under care and treatment.

(2.) If, before the expiration of any of the periods herein-before mentioned, such report and certificate are not sent to the Masters, they shall inquire as to the omission, and unless they are satisfied that the lunatic is still of unsound mind, the order for the commitment of the person of the lunatic as to whom such report and certificate are not sent shall determine at the expiration of such period; but nothing herein contained shall affect the commitment of the estate.

(3.) A Master may, by order under his hand, extend the time within which any report and certificate under this section is to be sent to the Masters, and if the time is so extended, the order for commitment of the person of the lunatic as to whom the time is so extended shall continue in force until the expiration of the extended time, but such extended time shall not exceed six months.

(4.) Where any order for commitment of the person of a lunatic has determined under this section, the Masters shall forthwith give notice of such determination to the committee of the person of the lunatic and to the person under whose care the lunatic is.

*Management and Administration.*

Extent of the administrative powers of the judge in lunacy.

**116.**—(1.) The powers and provisions of this Part of this Act relating to management and administration apply:—

(*a.*) To lunatics so found by inquisition;

(*b.*) To lunatics not so found by inquisition for the protection or administration of whose property any order has been made before the commencement of this Act;

(*c.*) To every person lawfully detained as a lunatic though not so found by inquisition;

(*d.*) To every person not so detained and not found a lunatic by inquisition, with regard to whom it is proved to the satisfaction of the Judge in Lunacy that such person is through mental infirmity arising from disease or age incapable of managing his affairs;

(*e.*) To every person with regard to whom it is proved to the satisfaction of the Judge in Lunacy by the certificate of a Master, or by the report of the Commissioners, or by affidavit or otherwise, that such person is of unsound mind and incapable of managing his affairs, and that his property does not exceed two thousand pounds in value, or that the income thereof does not exceed one hundred pounds per annum;

(*f*.) To every person with regard to whom the Judge is satisfied by affidavit or otherwise that such person is or has been a criminal lunatic and continues to be insane and in confinement.

(2.) In the case of any of the above-mentioned persons not being lunatics so found by inquisition, such of the powers of this Act as are made exerciseable by the committee of the estate under order of the Judge shall be exercised by such person in such manner and with or without security as the Judge may direct, and any such order may confer upon the person therein named authority to do any specified act, or exercise any specified power, or may confer a general authority to exercise on behalf of the lunatic, until further order, all or any of such powers without further application to the Judge.

(3.) Every person appointed to do any such act or exercise any such power shall be subject to the jurisdiction and authority of the Judge as if such person were the committee of the estate of a lunatic so found by inquisition.

(4.) The powers of this Act relating to management and administration shall be exerciseable in the discretion of the Judge for the maintenance or benefit of the lunatic or of him and his family, or where it appears to be expedient in the due course of management of the property of the lunatic.

(5.) Nothing in this Act shall subject a lunatic's property to claims of his creditors further than the same is now subject thereto by due course of law.

**Power to raise money for certain purposes.**

**117.**—(1.) The Judge may order that any property of the lunatic, whether present or future, be sold, charged, mortgaged, dealt with, or disposed of as the Judge thinks most expedient for the purpose of raising or securing, or repaying with or without interest, money which is to be or which has been applied to all or any of the purposes following:—

(*a*.) Payment of the lunatic's debts or engagements;

(*b*.) Discharge of any incumbrance on his property;

(*c*.) Payment of any debt or expenditure incurred for the lunatic's maintenance or otherwise for his benefit;

(*d*.) Payment of or provision for the expenses of his future maintenance.

(2.) In case of a charge or mortgage being made under this Act for the expenses of future maintenance, the Judge may direct the same to be payable, either contingently if the interest charged is a contingent or future one, or upon the happening of the event if the interest is depending on an event which must happen, and either in a gross sum or in annual or other periodical sums, and at such times and in such manner as he thinks expedient.

**Charge for permanent improvements.**

**118.**—(1.) The Judge may order that the whole or any part of any moneys expended or to be expended under his order for the permanent improvement, security, or advantage of the property of the lunatic, or of any part thereof, shall, with interest, be a charge upon the improved property or any other property of the lunatic,

but so that no right of sale or foreclosure during the lifetime of the lunatic be conferred by the charge.

(2.) The interest shall be kept down during the lunatic's lifetime, out of the income of his general estate, as far as the same is sufficient to bear it.

(3.) The charge may be made either to some person advancing the money, or if the money is paid out of the lunatic's general estate, to some person as a trustee for him, as part of his personal estate.

Power to dissolve partnership.

**119.** Where a person being a member of a partnership becomes lunatic the Judge may, by order, dissolve the partnership.

Powers exerciseable by committee under order of judge.

**120.** The Judge may, by order, authorise and direct the committee of the estate of a lunatic to do all or any of the following things:—

(*a.*) Sell any property belonging to the lunatic;

(*b.*) Make exchange or partition of any property belonging to the lunatic or in which he is interested, and give or receive any money for equality of exchange or partition,

(*c.*) Carry on any trade or business of the lunatic;

(*d.*) Grant leases of any property of the lunatic for building, agricultural, or other purposes;

(*e.*) Grant leases of minerals forming part of the lunatic's property, whether the same have been already worked or not, and either with or without the surface or other land;

(*f.*) Surrender any lease and accept a new lease;

(*g.*) Accept a surrender of any lease and grant a new lease;

(*h.*) Execute any power of leasing vested in a lunatic having a limited estate only in the property over which the power extends;

(*i.*) Perform any contract relating to the property of the lunatic entered into by the lunatic before his lunacy;

(*j.*) Surrender, assign, or otherwise dispose of with or without consideration any onerous property belonging to the lunatic;

(*k*) Enter into any agreement touching the patronage of augmented cures under the Act one George the First, chapter ten, which the lunatic might have entered into if he had been of sound mind;

(*l.*) Exercise any power or give any consent required for the exercise of any power where the power is vested in the lunatic for his own benefit or the power of consent is in the nature of a beneficial interest in the lunatic.

Property exchanged and renewed lease to be to same uses as before.

**121.** Any property taken in exchange and any renewed lease accepted on behalf of a lunatic under the powers of this Act shall be to the same uses and be subject to the same trusts, charges, incumbrances, dispositions, devises, and conditions as the property given in exchange or the surrendered lease was or would but for the exchange or surrender have been subject to.

Extent of leasing power.

**122.**—(1.) The power to authorise leases of a lunatic's property under this Act shall extend to property of which the lunatic is tenant in tail, and every lease granted pursuant to any order under this Act shall bind the issue of the lunatic and all persons entitled

in remainder and reversion expectant upon the estate tail of the lunatic including the Crown, and every person to whom from time to time the reversion expectant upon the lease belongs upon the death of the lunatic shall have the same rights and remedies against the lessee, his executors, administrators, and assigns, as the lunatic or his committee would have had.

(2.) Leases authorised to be granted and accepted by or on behalf of a lunatic under this Act may be for such number of lives or such term of years, at such rent and royalties, and subject to such reservations, covenants, and conditions as the Judge approves.

(3.) Fines or other payments on the renewal of leases may be paid out of the lunatic's estate, or charged with interest on the leasehold property.

Lunatic's interest in property not to be altered.

**123.**—(1.) The lunatic, his heirs, executors, administrators, next of kin, devisees, legatees, and assigns, shall have the same interest in any moneys arising from any sale, mortgage, or other disposition, under the powers of this Act which may not have been applied under such powers, as he or they would have had in the property the subject of the sale, mortgage, or disposition, if no sale, mortgage, or disposition, had been made, and the surplus moneys shall be of the same nature as the property sold, mortgaged, or disposed of.

(2.) Monies received for equality of partition and exchange, or under any lease of unopened mines, and all fines, premiums, and sums of money received upon the grant or renewal of a lease, where the property the subject of the partition, exchange, or lease was real estate of the lunatic, shall, subject to the application thereof for any purposes authorised by this Act, as between the representatives of the real and personal estate of the lunatic, be considered as real estate, except in the case of fines, premiums, and sums of money received upon the grant or renewal of leases of property of which the lunatic was tenant for life, in which case the fines, premiums, and sums of money shall be personal estate of the lunatic.

(3.) In order to give effect to this section the Judge may direct any money to be carried to a separate account, and may order such assurances and things to be executed and done as he thinks expedient.

Power to carry orders into effect.

**124.** The committee of the estate, or such person as the Judge approves, shall in the name and on behalf of the lunatic execute and do all such assurances and things for giving effect to any order under this Act as the Judge directs, and every such assurance and thing shall be valid and effectual, and shall take effect accordingly, subject only to any prior charge to which the property affected thereby at the date of the order is subject.

Admittance to copyholds.

**125.** Where a lunatic so found by inquisition is entitled to be admitted tenant of copyhold land, the committee of his estate may appear at one of the three next courts holden for the manor (for the holding whereof the usual notice shall be given), and there offer himself to be admitted tenant in the name and on behalf of the lunatic; and in default of his appearance, or of his acceptance of admittance, the lord or his steward may, after three courts duly

holden, and proclamations thereat regularly made, at any subsequent court appoint any fit person to be attorney for the lunatic for that purpose only, and by that attorney admit the lunatic tenant of the land, according to such estate as the lunatic is legally entitled to therein.

Fines upon admittance.

**126.**—(1) The lord or his steward may upon the admittance impose such fine as might have been imposed if the lunatic had been of sound mind, which fine may be demanded by the lord's bailiff or agent, by a note in writing signed by the lord or his steward, to be left with the committee of the estate, or with the tenant or occupier of the land.

(2.) If the fine is not paid or tendered to the lord or his steward within three months after demand, then the lord may enter upon and hold the land, and receive the rents and profits thereof, (but without liberty to fell any timber standing thereon,) until he is thereby fully paid the fine, with his reasonable costs and charges of raising the same, and of obtaining the possession of the land, although the lunatic die before the fine and costs and charges have been raised.

(3.) The lord shall yearly, on demand by the person entitled to the surplus rents and profits, after payment of the fine and costs and charges, or by the person then entitled to the land, render an account of the rents and profits received by him or on his behalf, and shall pay the surplus, if any, to the person entitled thereto.

(4.) As soon as the fine and costs and charges have been fully paid, or if after the lord's entry, the fine and costs and charges are lawfully tendered to him, then the lunatic, by the committee of his estate or other the person entitled, may enter upon and hold the land, according to his estate or interest therein; and the lord shall deliver possession thereof accordingly, and if he refuse so to do he shall make satisfaction to the person kept out of possession for all the damages which he thereby sustains, and all his costs and charges of recovering possession.

(5.) If the committee pays the fine and costs and charges, then he, his executors and administrators, may enter upon and hold the land, and receive the rents and profits thereof until payment thereout of the amount disbursed upon that account, although the lunatic die before reimbursement.

(6.) If the fine imposed is not warranted by the custom of the manor, or is unlawful, the lunatic may controvert its legality, as if this Act had not been passed; and no lunatic so found by inquisition shall forfeit any land for his neglect or refusal to appear at any court, or to be admitted thereto, or to pay the fine imposed upon his admittance.

Where lunacy temporary money may be applied for temporary maintenance

**127.**—(1.) Where it appears to the Judge that there is reason to believe that the unsoundness of mind of any lunatic so found by inquisition is in its nature temporary, and will probably be soon removed and that it is expedient that temporary provision should be made for the maintenance of the lunatic, or of the lunatic and the members of his immediate family who are dependent upon him for maintenance, and that any sum of money arising from or being

in the nature of income or of ready money belonging to the lunatic, and standing to his account with a banker or agent, or being in the hands of any person for his use, is readily available and may be safely and properly applied in that behalf, the Judge may allow thereout such amount as he thinks proper for the temporary maintenance of the lunatic, or of the lunatic and the members of his immediate family who are dependent upon him for maintenance, and may, instead of proceeding to order a grant of the custody of the estate, order or give liberty for the payment of any such sum of money as aforesaid, or any part thereof, to such person as, under the circumstances of the case, he thinks proper to intrust with the application thereof, and may direct the same to be paid to such person accordingly, and when received to be applied, and the same shall accordingly be applied, in or towards such temporary maintenance as aforesaid.

(2.) The receipt in writing of the person to whom payment is to be made for any moneys payable to him by virtue of an order under this section shall be a good discharge, and every person is hereby directed to act upon and obey every such order.

(3.) The person receiving any money by virtue of an order under this section shall pass an account thereof before the Masters, when required.

**Committee may exercise power vested in lunatic in character of trustee or guardian.**

**128.** Where a power is vested in a lunatic in the character of trustee or guardian, or the consent of a lunatic to the exercise of a power is necessary in the like character, or as a check upon the undue exercise of the power, and it appears to the Judge to be expedient that the power should be exercised or the consent given, the committee of the estate, in the name and on behalf of the lunatic, under an order of the Judge, made upon the application of any person interested, may exercise the power or give the consent in such manner as the order directs.

**Appointment of new trustees under power to have effect of appointments by High Court, and like orders may be made as under Trustee Act, 1850.**

**129.** Where under this Act the committee of the estate, under order of the Judge, exercises, in the name and on behalf of the lunatic, a power of appointing new trustees vested in the lunatic, the person or persons who shall, after and in consequence of the exercise of the power, be the trustee or trustees, shall have all the same rights and powers as he or they would have had if the order had been made by the High Court; and the Judge may in any such case, where it seems to him to be for the lunatic's benefit and also expedient, make any order respecting the property subject to the trust which might have been made in the same case under the Trustee Act, 1850, or any Act amending the same, on the appointment thereunder of a new trustee or new trustees.

**Temporary provision for maintenance of lunatic.**

**130.** In any case where, pending the appointment of committees, it appears to the Masters desirable that temporary provision should be made for the expenses of the maintenance or other necessary purposes or requirements of the lunatic, or any member of his family, out of any cash or available securities belonging to him in the hands of his bankers, or of any other person, the Masters shall be at liberty by certificate to authorise such banker or other person to pay to the person to be named in such

certificate such sum as they certify to be proper; and may by such certificate give any directions as to the proper application thereof for the lunatic's benefit by that person, who shall be accountable for the same as the Masters direct.

*Powers as to Property in England, Scotland, and Ireland.*

Power to deal with property in England, Scotland, and Ireland.

**131.**—(1.) The powers of management and administration of the estates of lunatics conferred by this Act shall, without an inquisition or other proceedings in Ireland, extend to the personal property in Ireland of a lunatic so found by inquisition in England where such personal property does not exceed two thousand pounds in value or the income thereof does not exceed one hundred pounds a year, and the like powers conferred by the Lunacy Regulation (Ireland) Act, 1871, shall, without an inquisition or other proceedings in England, extend to the personal property in England of a lunatic so found by inquisition in Ireland where such personal property or the income thereof does not exceed such amount as aforesaid.

(2.) Where a person has been found lunatic by inquisition in England or Ireland, and has personal property in Scotland, the committee of the estate of the lunatic shall, without cognition or other proceedings in Scotland, have all the same powers as to such property, or the income thereof, as might be exercised by a tutor at law after cognition or a duly appointed curator bonis to a person of unsound mind in Scotland.

(3.) Where a tutor at law after cognition or a curator bonis has been appointed to a lunatic in Scotland, who has personal property in England or Ireland, the tutor at law or curator bonis shall, without an inquisition or other proceedings in England or Ireland, have all the same powers as to such property, or the income thereof, as might be exercised by the committee of the estate of a lunatic, so found by inquisition in England or Ireland.

(4.) The powers of management and administration conferred by this Act in cases where the property of a person of unsound mind does not exceed two thousand pounds in value, or the income thereof does not exceed one hundred pounds per annum, and the powers conferred by section sixty-eight of the Lunacy Regulation (Ireland) Act, 1871, shall extend to the property in Ireland or England, as the case may be, of the lunatic where the total value of the property in England and Ireland does not exceed two thousand pounds in value or the income thereof does not exceed one hundred pounds a year.

34 & 35 Vict c. 22. s. 68.

*Power of County Court Judge.*

Power to deal with property of small amount.

**132.**—(1.) Where a reception order is made in the case of a lunatic the value of whose real and personal property is under two hundred pounds, and no relative or friend of the lunatic is willing to undertake the management of such property, any judge of county courts having jurisdiction in the place from which the lunatic is sent, may, upon the application of the clerk of the guardians, or a relieving officer of the union from which the lunatic

is sent, authorise the clerk or relieving officer, or such other person as the judge by his order appoints, to take possession of and sell and realise the real and personal property of the lunatic, and to exercise all the powers which could be exercised by the legal personal representative of the lunatic if he were dead; and the receipt of the person so authorised shall be a valid discharge to any person who pays any money or delivers any property of the lunatic to such person

(2) The judge, by whom such order is made, may by the same or any subsequent orders give such directions as he thinks fit as to the application of the property of the lunatic for his benefit or in reimbursement of such sums as may have been or may be expended by the guardians of the union for his care or relief, or of the costs or expenses incurred in relation to the lunatic by such guardians, or by the person acting under any such order as aforesaid, or the judge may, if he thinks fit, order that the whole or any part of the proceeds of the lunatic's property be paid into the county court to the credit of an account intituled in the matter of such lunatic, and any sum so paid into court may either be invested in the manner provided by the county court rules in force for the time being, or be paid out of court from time to time to such person as the judge directs, to be held and applied for the benefit of such lunatic, or in or towards such reimbursement as aforesaid, in such manner as the judge directs.

(3.) The person acting under any such order shall render an account of his dealings with the lunatic's property to the judge by whom such order was made in such manner as the judge appoints.

*Vesting Orders.*

**Power to transfer stock of lunatic.**

**133.** Where any stock is standing in the name of or is vested in a lunatic beneficially entitled thereto, or is standing in the name of or vested in a committee of the estate of a lunatic so found by inquisition, in trust for the lunatic, or as part of his property, and the committee dies intestate, or himself becomes lunatic, or is out of the jurisdiction of the High Court, or it is uncertain whether the committee is living or dead, or he neglects or refuses to transfer the stock, and to receive and pay over the dividends thereof as the Judge in Lunacy directs, then the Judge may order some fit person to transfer the stock to or into the name of a new committee or into court or otherwise, and also to receive and pay over the dividends thereof in such manner as the Judge directs.

**Stock in name of lunatic out of the jurisdiction.**

**134.** Where any stock is standing in the name of or vested in a person residing out of the jurisdiction of the High Court, the Judge in Lunacy, upon proof to his satisfaction that the person has been declared lunatic, and that his personal estate has been vested in a person appointed for the management thereof, according to the law of the place where he is residing, may order some fit person to make such transfer of the stock or any part thereof to or into the name of the person so appointed or otherwise, and also to receive and pay over the dividends thereof, as the judge thinks fit.

Power to vest lands and release contingent right of lunatic trustee or mortgagee.

**135.**—(1.) When a lunatic is solely or jointly seised or possessed of any land upon trust or by way of mortgage the Judge in Lunacy may by order vest such land in such person or persons for such estate, and in such manner, as he directs.

(2.) When a lunatic is solely or jointly entitled to a contingent right in any land upon trust or by way of mortgage, the Judge may by order release such hereditaments from the contingent right, and dispose of the same to such person or persons as the Judge directs.

(3.) An order under sub-sections (1.) and (2.) shall have the same effect as if the trustee or mortgagee had been sane, and had executed a deed conveying the lands for the estate named in the order, or releasing or disposing of the contingent right.

(4.) In all cases where an order can be made under this section the Judge may, if it is more convenient, appoint a person to convey the land or release the contingent right, and a conveyance or release by such person in conformity with the order shall have the same effect as an order under sub-sections (1.) and (2.).

(5.) Where an order under this section vesting any copyhold land in any person or persons is made with the consent of the lord or lady of the manor, such land shall vest accordingly without surrender or admittance.

(6.) Where an order is made appointing any person or persons to convey any copyhold land, such person or persons shall execute and do all assurances and things for completing the assurance of the lands; and the lord and lady of the manor shall, subject to the customs of the manor and the usual payments, be bound to make admittance to the land, and to do all other acts for completing the assurance thereof, as if the persons in whose place an appointment is made were free from disability and had executed and done such assurances and things.

Power to vest right to transfer stock and sue for chose in action.

**136.**—(1.) Where a lunatic is solely entitled to any stock or chose in action upon trust or by way of mortgage, the Judge in Lunacy may by order vest in any person or persons the right to transfer or call for a transfer of the stock, or to receive the dividends thereof, or to sue for the chose in action.

(2.) In the case of any person or persons jointly entitled with a lunatic to any stock or chose in action upon trust or by way of mortgage, the Judge may make an order vesting the right to transfer or call for a transfer of the stock, or to receive the dividends thereof, or to sue for the chose in action either in such person or persons alone or jointly with any other person or persons.

(3.) When any stock is standing in the name of a deceased person, whose personal representative is a lunatic, or when a chose in action is vested in a lunatic as the personal representative of a deceased person, the Judge may make an order vesting the right to transfer or call for a transfer of the stock, or to receive the dividends thereof, or to sue for the chose in action in any person or persons he may appoint.

(4.) In all cases where an order can be made under this section, the Judge may, if it is more convenient, appoint some proper person to make or join in making the transfer.

(5.) The person or persons in whom the right to transfer or call for a transfer of any stock is vested, may execute and do all powers of attorney, assurances, and things to complete the transfer to himself or themselves or any other person or persons according to the order, and the Bank and all other companies and their officers and all other persons shall be bound to obey every order under this section according to its tenor.

(6.) After notice in writing of an order under this section, it shall not be lawful for the Bank or any other company to transfer any stock to which the order relates or to pay any dividends thereon except in accordance with the order.

**137.** Where a person is appointed to make or join in making a transfer of stock, such person shall be some proper officer of the Bank, or the company or society whose stock is to be transferred. Person to be appointed to transfer.

**138.** The powers conferred by this Act as to vesting orders may be exercised for vesting any land, stock, or chose in action in the trustee or trustees of any charity or society over which the High Court would have jurisdiction upon suit duly instituted, whether the appointment of such trustee or trustees was made by instrument under a power or by the High Court under its general or statutory jurisdiction. Charity trustees.

**139.** The Judge in Lunacy may make declarations and give directions concerning the manner in which the right to any stock or chose in action vested under the provisions of this Act is to be exercised. Declarations and directions.

**140.** The fact that an order for conveying any land or releasing any contingent right has been founded upon an allegation of the personal incapacity of a trustee or mortgagee shall be conclusive evidence of the fact alleged in any court upon any question as to the validity of the order, but this section shall not prevent a Judge of the High Court from directing a re-conveyance of any lands or contingent right dealt with by the order, or from directing any party to any proceeding concerning such land or right to pay any costs occasioned by the order when the same appears to have been improperly obtained. Order to be conclusive evidence of allegation on which it is founded.

**141.** In every case in which the Judge in Lunacy has jurisdiction to order a conveyance or transfer of land or stock or to make a vesting order, he may also make an order appointing a new trustee or new trustees. Power to appoint new trustees.

**142.** The Judge in Lunacy may order the costs of and incident to obtaining an order under the provisions of this Act as to vesting orders and carrying the same into effect to be paid out of the land or personal estate or the income thereof in respect of which the order is made, or in such manner as the Judge may think fit. Costs.

**143.** The provisions of this Act as to vesting orders shall not affect the jurisdiction of the High Court as to any lunatic trustee or mortgagee who is an infant. Saving of power of High Court.

*Orders of Judge in Lunacy and Certificates of Masters.*

Office copies to be evidence.

**144.** Every office copy of the whole of an order or report confirmed by fiat purporting to be signed by a Master, and sealed or stamped with the seal of the Masters' office, and every office copy of a certificate in lunacy shall at all times, and on behalf of all persons, and whether for the purposes of this Act or otherwise, be admitted as evidence of the order, report, or certificate of which it purports to be a copy, without any further proof thereof.

Money orders to be acted upon.

**145.** Where an order relates to the payment, transfer, carrying over, or depositing of any cash, stocks, funds, annuities, securities, or other effects into or in court to the credit of the matter of a lunatic, or to the payment, transfer, or carrying over, or other disposal by the Paymaster-General of any cash, stocks, funds, annuities, securities, or other effects standing in his name or deposited in his custody to the credit of the matter of a lunatic, or of any cash, stocks, funds, annuities, securities, or other effects to or in which a lunatic is entitled or beneficially interested, and which are not standing to the credit of a cause or matter depending in the High Court, the Paymaster-General and the Bank, and all other persons, shall act upon an office copy of the order.

Transfers to be binding.

**146.** All transfers and payments made in pursuance of this Act under an order or a Master's certificate shall be valid and binding on all persons.

Forgery of signature of master or seal of master's office.

**147.** If any person forges the signature of a Master, or forges or counterfeits the seal of the Masters' Office, or knowingly concurs in using any such forged or counterfeited signature or seal, or tenders in evidence any document with a false or counterfeit signature of a Master, or with a false or counterfeit seal, knowing the same signature or seal to be false or counterfeit, every such person shall be guilty of felony, and shall upon conviction be liable to penal servitude for a term not exceeding seven years, or to be imprisoned for a term not exceeding three years with or without hard labour

*Percentage and Fees.*

Percentage and fees.

**148.**—(1.) The Lord Chancellor, with the concurrence of the Treasury, may make rules fixing the percentage and fees payable in proceedings relating to lunatics and their estates, and regulating the mode in which the same are to be ascertained and paid.

(2.) Save as otherwise provided by the Rules in Lunacy the percentage and fees in lunacy shall be subject to the rules contained in section twenty-six of the Supreme Court of Judicature Act, 1875.

(3.) The percentage, or a proper proportionate part thereof (as the case may require), shall be charged upon the estate of a lunatic, and be payable thereout, although before payment thereof he die, or the inquisition be superseded, or be vacated and discharged on a traverse; but in either of the two last-mentioned cases the Judge in Lunacy may, if he thinks fit, remit or reduce the amount of the sum to be paid.

38 & 39 Vict. c. 77.

(4.) Where it is made to appear to the Judge in Lunacy that the property of a lunatic does not exceed seven hundred pounds in value, or that the income thereof does not exceed fifty pounds per annum, he may order (if he thinks fit) that no fee shall be taken, or percentage levied, in relation to the proceedings in the matter or the property, as from the date of the order or such other time as he directs, during the continuance of the lunacy or until further order.

Extent of power to fix percentage and fees.

**149.** The provisions of this Act as to percentage and fees shall extend—

(*a*) To lunatics so found by inquisition:

(*b*) To lunatics for the administration of whose property an order has been made before the commencement of this Act, or may hereafter be made under this Act:

(*c*) To lunatics under the protection of the Judge in Lunacy by virtue of the transmission of the record of an inquisition from Ireland, and its entry of record in the High Court:

(*d*) To persons residing out of England, and declared lunatic according to the laws of their place of residence, where the Judge in Lunacy makes an order affecting the property of such persons or any part thereof

Provided that in the two last-mentioned cases no percentage shall be levied except in respect of income arising from property within the jurisdiction of the Judge in Lunacy, and administered under his direction.

## PART V.

### THE COMMISSIONERS IN LUNACY.

*Constitution of the Commission*

The Commissioners in Lunacy.

**150.**—(1) There shall continue to be Commissioners in Lunacy, and such of them as are qualified for appointment by being medical practitioners or barristers, shall be entitled to receive salaries.

(2) The salaries of the paid Commissioners and the expenses of the Commissioners to the amount sanctioned by the Treasury, shall be paid out of moneys provided by Parliament.

(3) A Commissioner shall not, so long as he remains Commissioner and receives any salary in respect of his office, accept, hold, or carry on any other office or situation, or any profession or employment, from which any profit is derived.

Vacancies among the Commissioners may be filled.

**151.**—(1.) As often as a Commissioner dies, or is removed from his office, or is disqualified, or resigns, or refuses or becomes unable through illness or otherwise to act, the Lord Chancellor may appoint a person to be Commissioner in his place.

(2) Every person appointed in the place of a medical practitioner shall be a medical practitioner, and every person appointed in the place of a barrister shall be a practising barrister of not less than five years standing, and every person appointed in the place of any other Commissioner shall be neither a medical practitioner nor a practising barrister Provided that a medical or

legal Commissioner may upon resigning his office be appointed to fill any vacancy among the unpaid Commissioners, and if so appointed he may, upon the request of any four of the Commissioners, perform any duty which he might have performed before his resignation. Provided also that the secretary for the time being of the Commissioners shall be eligible to be a Commissioner in the place of a barrister.

(3.) In case of the temporary illness or disability of a medical or legal Commissioner, the Lord Chancellor may, on the recommendation of the Commissioners, appoint a person qualified to be a medical or legal Commissioner to be his substitute so long as the illness or disability continues, and the substitute may exercise all the powers of the person for whom he acts.

(4.) The Commissioners for the time being may act notwithstanding any vacancy in their body.

(5.) Every Commissioner hereafter appointed shall, before he acts as Commissioner, make before the Lord Chancellor, or before any three Commissioners qualified to act, the declaration to be made by a Commissioner set forth in the First Schedule.

Licences and instruments to be sealed.

**152.**—(1.) All licences, orders, and instruments granted or made, or issued, or authorised by the Commissioners, in pursuance of this Act, except such orders or instruments as are to be made or signed and sealed by one Commissioner or two or more Commissioners, shall be sealed with the seal of the Commission.

(2.) All such licences, orders, and instruments, or copies thereof, purporting to be sealed with the seal of the commission, shall be received as evidence of the same respectively, and of the same respectively having been granted, made, issued, or authorised by the Commissioners, without any further proof thereof.

(3.) A licence, order, or instrument, or copy thereof, shall not be valid, or have any force or effect, unless it is so sealed.

Appointment of permanent chairman and mode of voting.

**153.**—(1.) There shall be a permanent chairman of the Commissioners.

(2.) If a permanent chairman dies, or declines, or becomes incapable to act as chairman, or ceases to be a Commissioner, the Commissioners, or any five of them at a meeting specially summoned for the purpose, shall select a member of their body, not being a paid Commissioner, to be permanent chairman.

(3.) If the chairman is absent from a meeting, a majority of the members present may elect a chairman for that meeting.

(4.) Questions shall be decided by a majority of votes.

(5.) The chairman of the meeting shall have a vote, and in the event of an equality of votes he shall have a casting vote.

The secretary to the Commissioners.

**154.**—(1.) There shall be a secretary to the Commissioners.

(2.) The secretary for the time being may be removed by the Lord Chancellor on the application of the Commissioners.

(3.) If the office of secretary is vacant, the Commissioners, with the approbation of the Lord Chancellor, may fill the vacancy.

(4.) The secretary shall, in the performance of his duties, be subject to the inspection, direction, and control of the Commis-

sioners. His salary shall be of such amount as the Treasury, with the concurrence of the Lord Chancellor, determines.

(5.) Every person appointed secretary shall be a barrister of at least seven years standing, and shall for all purposes be deemed to be a permanent civil servant of the state.

**155.**—(1.) The Commissioners may appoint such number of clerks as the Treasury sanctions. Clerks to Commissioners.

(2.) The clerks to the Commissioners shall be paid such salaries as the Treasury assigns. The salaries of the Commissioners, secretary, and clerks, and their expenses, to the amount sanctioned by the Treasury, shall be paid out of moneys provided by Parliament.

**156.** As respects superannuation allowances, the paid Commissioners and the secretary and clerks shall be subject to the provisions of the Superannuation Act, 1859 and the Superannuation Act, 1887. Superannuation allowances. 22 Vict. c. 26. 50 & 51 Vict. c. 67.

**157.** Every secretary or clerk shall, before he acts, make before any one of the Commissioners the declaration to be made by the secretary and clerks of the Commissioners set forth in the First Schedule. Secretary and clerks to make a declaration.

**158.**—(1.) A person shall not be qualified to be a Commissioner or secretary or clerk of the Commissioners if he is, or within one year prior to his appointment has been, interested in a licensed house. Disqualification of Commissioners and their secretary and clerks.

(2.) If any Commissioner or the secretary or any clerk of the Commissioners becomes interested in a licensed house, he shall be disqualified to hold his office.

(3.) Any disqualified person continuing to act shall be guilty of a misdemeanor.

*Meetings and Procedure.*

**159.**—(1.) The Commissioners, or some five of them, shall hold quarterly meetings at their office, or at such other place as the Lord Chancellor may direct, on the first Wednesday in the months of February, May, July, and November in every year, to receive applications for licences for houses for the reception of lunatics within the immediate jurisdiction of the Commissioners. Commissioners to hold meetings for granting licences.

(2.) In case on any such occasion five Commissioners are not present, the meeting shall take place on the following Wednesday, and so on weekly until five Commissioners assemble.

(3.) The Commissioners assembled at every such meeting shall have power to adjourn the meeting from time to time and to such place as they think fit.

(4.) Any five of the Commissioners may, at any other time, at a meeting duly summoned, receive applications for licences.

**160.**—(1.) If a Commissioner by writing under his hand requires the secretary to call a meeting of the Commissioners for a purpose specified in the writing, or for general business, the secretary shall call a meeting. Provision for calling meetings.

(2.) The secretary shall give to the Commissioners, or such of them as are in England and have an address known to the secretary, twenty-four hours notice of the place, day, and hour of the meeting, and of the purpose for which it is to be held.

(3.) Any three Commissioners assembled at a meeting shall be a quorum, and shall constitute a board, except where by this Act five Commissioners are required to be present at any meeting.

(4.) Every meeting shall, as far as circumstances admit, be held at the office of the Commission.

Power to make orders and rules to regulate procedure.

**161.**—(1.) The Commissioners, or any five of them present at any quarterly or other meeting, may, by resolution sealed with their seal or entered in a book kept for the purpose and signed by five at least of the Commissioners present at the meeting, make orders and rules for regulating the duties of the Commissioners and of their secretary, clerks, and servants, and for the transaction of the business of the Comimssion.

(2.) The secretary shall give to each Commissioner, so far as circumstances admit not less than seven days notice of a meeting for the purpose of making orders or rules, and shall state in the notice the purpose of the meeting.

*Reports and Records.*

Reports to be made to the Lord Chancellor.

**162.**—(1.) The Commissioners shall, at the expiration of every six months, report to the Lord Chancellor the number of visits they have made and the number of patients they have seen.

(2.) They shall also in or before the month of June in every year, make to the Lord Chancellor a report made up to the end of the preceding year of the condition of the institutions for lunatics, and other places visited by them, and of the care of the patients therein, with such other particulars as they think deserving notice.

(3.) They shall lay copies of the reports to be made under this section before Parliament within one month after the same have been made if Parliament is then sitting, and, if not, within twenty-one days after the commencement of the next session.

## PART VI.

### VISITORS OF LUNATICS.

*The Chancery Visitors*

Appointment and qualification of Chancery Visitors.

**163.**—(1.) There shall continue to be medical and legal visitors of lunatics so found by inquisition, and they are in this Act referred to as the Chancery Visitors.

(2.) The Lord Chancellor may, when a vacancy occurs in the office of medical visitor or legal visitor, appoint, by writing under his hand, a fit person, being a medical practitioner in actual practice, to succeed a medical visitor, and a fit person, being a barrister of not less than five years' standing, to succeed a legal visitor.

(3.) The visitors shall have such clerks and officers as the Lord Chancellor may, with the concurrence of the Treasury as to number and salaries, determine.

(4.) The salaries of the Chancery Visitors, their clerks and officers, and their expenses to the amount sanctioned by the Treasury, shall be paid out of moneys provided by Parliament.

**164.** The Chancery Visitors may be removed by the Lord Chancellor in case of misconduct or neglect in the discharge of their duties, or of their being disabled from performing the same, and they shall not be engaged in the practice of their respective professions. Tenure of office by Chancery Visitors.

**165.** A person shall not be appointed a Chancery Visitor if he is or has been within the two years preceding his appointment directly or indirectly interested in any licensed house; and if any person after his appointment becomes so interested, his appointment shall become void, and thereupon his salary shall cease. Visitors not to be interested in licensed houses.

**166.** The Masters for the time being shall by virtue of their office be visitors of lunatics so found by inquisition, jointly with the Chancery Visitors. Masters to be ex-officio visitors.

**167.**—(1.) The Chancery Visitors and the Masters, or so many of them, not being less than three in number, as may from time to time be able, consistently with the discharge of their other duties, to attend, shall from time to time form themselves into a board for their mutual guidance and direction on matters connected with the visiting of lunatics. The Visitors and Masters to form a board.

(2.) The board may report to the Lord Chancellor upon any matter connected with the duties of the Chancery Visitors or of the board, as they think proper.

**168.**—(1.) Where a medical or a legal Chancery Visitor is temporarily prevented from discharging his duty by illness or unavoidable absence, but not otherwise, he may, with the approbation of the Lord Chancellor, appoint a medical practitioner in actual practice, or a barrister of not less than five years' standing (as the case may require), to act in his stead during his illness or unavoidable absence. Medical or legal visitor may appoint a substitute.

(2.) The medical practitioner or the barrister so appointed shall, while his appointment remains in force, have, perform, and execute all the powers, duties, and authorities belonging to the office of medical or legal visitor (as the case may be) with full validity and effect to all intents and purposes.

*Visiting Committees of Asylums.*

**169.**—(1.) For every asylum there shall be a visiting committee appointed annually by the local authority, consisting of not less than seven members. Constitution of visiting committee.

(2.) The visiting committee of a district asylum shall be constituted of the number of members fixed by the agreement under which the asylum is provided.

(3.) Where there is more than one asylum, the local authority may appoint one committee for the management and control of all the asylums, and such committee shall appoint a sub-committee for each separate asylum, and may delegate to that sub-com-

mittee such powers and duties as the committee from time to time think fit.

(4.) Where a county borough has contributed towards the cost of any county asylum, the council of the borough may, if they so desire, appoint to be members of the visiting committee of the asylum such number of members of the council as may be agreed upon, or in default of agreement be determined by the Commissioners under the Local Government Act, 1888, or after they have ceased to hold office, by arbitration under that Act. Such appointment shall be in substitution for any appointment previously made on the part of the borough.

51 & 52 Vict. c. 41.

(5.) Where a borough, not being a county borough, has contributed towards the cost of any county asylum, and the representatives of the borough on the county council are not entitled to vote for the appointment by the council of visitors of the asylum, the council of the borough may appoint two persons to be members of the committee.

(6.) During the continuance of a contract for the reception of the pauper lunatics of a county borough or borough specified in the Fourth Schedule into a county asylum, the council of the borough shall appoint a visiting committee to visit the lunatics sent from such county borough or borough in the asylum.

Mode of election of visiting committee.

**170.** Unless some other day is appointed by the standing orders of the local authority, the visiting committee shall be appointed at the quarterly meeting of the local authority in November.

Vacancies to be filled up.

**171.**—(1.) If a visitor dies or resigns, or becomes incapable or disqualified to act, the authority by whom he was appointed shall, as soon as possible, appoint in his place some qualified person, and the new appointment shall be made in the same manner as the annual election of visitors.

(2.) The continuing members of a visiting committee may act notwithstanding any vacancy in the body.

Duration of office.

**172.**—(1.) A visiting committee shall hold office until the first meeting of their successors.

(2.) If default is made in electing a visiting committee, the visiting committee last elected shall continue in office as if they had been duly re-elected.

Examination of accounts.

**173.** The visiting committee of every asylum shall, previously to the month of June in every year, examine the accounts of the treasurer and clerk of the asylum, and shall report the same to the next meeting of the local authority, or of each local authority to whom the asylum wholly or in part belongs.

Members of visiting committee not to be interested.

**174.**—(1.) A member of a visiting committee shall not be interested either in his own name or in the name of any other person in any contract entered into or work done for the committee, and shall not derive any profit or emolument whatsoever from the funds of the asylum.

(2.) This provision shall not extend to any interest which a member of a visiting committee may have by reason of his being a shareholder of a company which has entered into any contract with

or done any work for the visiting committee, but he shall not be entitled to vote in respect of such contract or work.

Meetings of visiting committee.

**175.**—(1.) The provisions of section eighty-two of the Local Government Act, 1888, with respect to the proceedings of committees of county councils shall apply to the proceedings of every visiting committee appointed wholly or partly by a county council, and the chairman of such committee may be elected accordingly.

(2.) To other visiting committees the following provisions shall apply:—

(*a.*) The members of the committee shall within one month after their election meet at some convenient place, to be named in a notice in writing given by two or more of such members, or by the clerk of the outgoing committee by the direction of two or more of such members;

(*b.*) Notices of meetings shall be given to each member personally, or left at his place of abode, or sent by post seven days at least before the time appointed for the meeting;

(*c.*) The members shall at the first meeting elect one of their number to be chairman of the committee;

(*d.*) The chairman shall preside at all meetings at which he is present. In case of his absence from any meeting the members present shall elect one of their number to be chairman of the meeting;

(*e.*) Any meeting may be adjourned from time to time and from place to place;

(*f.*) The committee shall meet as often as they may think fit;

(*g.*) A meeting may be adjourned by two members; for all other purposes three members shall be a quorum;

(*h.*) Every question shall be decided by a majority of the votes of the members present, and in the event of an equality of votes the chairman shall have a second or casting vote;

(*i.*) The clerk of the committee shall, whenever required in writing by the chairman or any two members of the committee, or by the manager of the asylum, and the chairman may, whenever he thinks fit, summon a meeting of the committee.

Clerk to visiting committee.

**176.**—(1.) Every visiting committee shall appoint a clerk (who may also be the clerk to the asylum) at such salary as the committee think fit, and a clerk so appointed may be discharged, and in the event of a vacancy in the office a new clerk may be appointed. The clerk to the visiting committee shall, unless he be sooner discharged, continue in office so long as the committee continue in office.

(2.) A visiting committee may sue and be sued in the name of their clerk, and an action by or against a visiting committee shall not abate by the death or removal of the clerk, but the clerk for the time being shall always be deemed the plaintiff or defendant in the action.

### *Visitors of Licensed Houses.*

Justices appoint visitors.

**177.**—(1.) The justices of every county and quarter sessions borough not within the immediate jurisdiction of the Commis-

sioners shall, whether there is a licensed house within the county or borough or not, annually, appoint three or more justices, and also one medical practitioner, or more, to act as visitors of licensed houses within the county or borough and otherwise for the purposes of this Act.

(2) The visitors shall at their first meeting make before a justice the declaration required by this Act to be made by a Commissioner, with the necessary modification.

(3) A person shall not be qualified to be a visitor or clerk, or assistant clerk to any visitor, who is or within one year prior to his appointment has been interested in a licensed house.

(4.) If a visitor or a clerk or assistant clerk to any visitors becomes interested in a licensed house he shall be disqualified to hold his office.

(5) Any disqualified person continuing to act shall be guilty of a misdemeanor

(6.) In case of the death, inability, disqualification, resignation, or refusal to act of any visitor, the justices of the county or borough may appoint a visitor in his place.

(7.) The annual appointment of visitors shall be made by justices of a county at their Michaelmas quarter sessions, and by justices of a borough at special sessions, to be held in the month of October; other appointments may be made by justices of a county at any quarter sessions and by justices of a borough at special sessions to be held at the same time as any quarter sessions.

(8) In any county or borough in which no appointment of visitors has been made before the commencement of this Act the first appointment shall be made, in the case of a county, at the quarter sessions next after the commencement of this Act, and in the case of a borough, at special sessions to be held at the same time as the next quarter sessions.

(9) The clerk to the justices of a quarter sessions borough shall forthwith notify to the clerk of the peace of the borough the names, places of abode, and occupations or professions of all visitors appointed by the justices.

(10.) A list of the names, places of abode, and occupations, or professions of all visitors of licensed houses shall, within fourteen days from the date of their appointment, be published by the clerk of the peace of the county or borough for which they are appointed in a local newspaper, and shall, within three days from the date of their appointment, be sent by the clerk of the peace to the Commissioners.

(11) Every clerk of the peace making default in publishing and sending to the Commissioners the list of visitors within the time hereby limited, shall for every default be liable to a penalty not exceeding two pounds.

(12.) Every visitor, being a medical practitioner, shall be entitled to such remuneration for services rendered under this Act as the justices of the county or borough may approve.

Clerk to visitors; his duties and remuneration.

**178.**—(1) The clerk of the peace or some other person to be appointed by the justices for the county or borough shall act as clerk to the visitors.

(2.) The clerk to the visitors shall, at the first meeting of the visitors, make the declaration required by this Act to be made by the secretary of the Commissioners with the necessary modification, such declaration to be made before one of the visitors, being a justice.

(3.) The name, place of abode, occupation, and profession of the clerk to the visitors (whether he is the clerk of the peace or any other person), shall within fourteen days after the appointment, be published by the clerk of the peace for the county or borough in some local newspaper, and shall within three days from the date of the appointment be communicated by the said clerk of the peace to the Commissioners.

(4.) Every clerk of the peace making default in either of the respects aforesaid shall for every such default be liable to a penalty not exceeding two pounds.

(5.) Every clerk to the visitors shall be allowed such salary or remuneration for his services as the justices for the county or borough direct.

Provision for assistants to the clerk of the visitors.

**179.**—(1.) If the clerk to any visitors at any time desires to employ an assistant in the execution of the duties of his office, he shall certify his desire and the name of the assistant to one of the visitors, being a justice.

(2.) If the visitor approves of the assistant, the assistant shall make before the visitor the declaration to be made by assistants to the clerk to the visitors in the First Schedule.

(3.) Thereafter the clerk may, at his own cost, employ the assistant.

Consent of recorder.

**180.** A visitor or clerk shall not be appointed by the justices of a borough without the consent in writing of the recorder of the borough.

Meetings of visitors.

**181.**—(1.) The visitors shall meet at such times and places as they may think proper.

(2.) The clerk to the visitors shall, upon the direction of any two visitors, call a meeting of the visitors at such time and place as the two visitors may appoint.

(3.) The times and places of meetings shall be kept secret, and each meeting shall be held privately and so that no manager or person interested in or employed about or connected with any house to be visited shall have notice of any intended visit.

Payment of expenses of visitors of licensed houses.

**182.** The expenses incurred by or under the order of any visitors of licensed houses in proceedings under this Act shall be paid out of the county or borough fund.

## PART VII.

### VISITATION.

### *Duties of Chancery Visitors.*

Duties of Chancery Visitors.

**183.**—(1.) The Chancery Visitors shall visit lunatics so found by inquisition at such times, and in such rotation and manner, and make such inquiries and investigations as to their care and treat-

ment and mental and bodily health, and the arrangements for their maintenance and comfort, and otherwise respecting them, as the Rules in Lunacy, or as any special order of the Judge in Lunacy in any particular case, shall from time to time direct.

(2.) Provided that every lunatic shall be personally visited and seen by one of the Chancery Visitors twice at least in every year, and such visits shall be so regulated as that the interval between successive visits to any such lunatic shall in no case exceed eight months.

(3.) Provided also, that every lunatic resident in a private house shall, during the two years next following inquisition, be visited at least four times in every year.

Chancery Visitors to visit alleged lunatics.

**184.**—(1.) The Chancery Visitors shall also visit such persons alleged to be lunatics, and shall make such inquiries and reports in reference to them as the Judge in Lunacy directs, and at the expiration of every six months they shall report to the Lord Chancellor the number of visits made, the number of patients seen, and the number of miles travelled during such months, and shall on the first of January in each year make a return to the Lord Chancellor of all sums received by them for travelling expenses, or upon any other account.

(2.) A copy of every report and return under this section shall be laid before Parliament on or before the first of February in each year, if Parliament be then sitting, and if not, within twenty-one days next after the commencement of the next session.

Chancery Visitors to report to Lord Chancellor.

**185.**—(1.) The Chancery Visitors shall respectively, within a convenient time after each visit, make a report in writing of the state of mind and bodily health and of the general condition and also of the care and treatment of each person visited, which reports shall, annually or oftener, as the Lord Chancellor directs or the board of visitors think expedient, be submitted to the Lord Chancellor.

(2.) The Chancery Visitors respectively shall make separate or special reports on any case to the Lord Chancellor as and when they or the board of visitors think expedient, and in particular shall report to him, without delay, any instance in which, on proceeding to visit, they have been unable to discover the residence of or have been by any other circumstance prevented from actually seeing on that occasion the lunatic whom they intended to visit.

Reports to be kept secret.

**186.**—(1.) The reports of the Chancery Visitors shall be filed and kept secret in their office, and shall not be open to the inspection of any person save the members of the board of visitors, and the Judge in Lunacy and such persons as he specially appoints.

(2.) All the reports relating to any particular patient shall be destroyed on his death, and shall also be destroyed on the inquisition in his case being superseded, or being vacated and discharged on a traverse, unless the Judge in Lunacy, within fourteen days after the supersedeas, or the vacating and discharge on a traverse, specially orders that the same be not destroyed until the lunatic's death.

*Lunatics in Asylums.*

**187.**—(1.) Two or more Commissioners, of whom one shall be a medical practitioner and one a barrister, shall once at least in each year visit every asylum and shall inquire— Visits by Commissioners.

(*a.*) Whether the provisions of the law have been carried out;
- (i.) As to the construction of the building;
- (ii.) As to visitation;
- (iii.) As to management;
- (iv.) As to the regularity of the admission and discharge of patients;

(*b.*) Whether divine service is performed;
(*c.*) Whether any system of coercion is practised, and its result;
(*d.*) As to the classification of patients and the number of attendants on each class;
(*e.*) As to the occupations and amusements of the patients, and their effects;
(*f*) As to the bodily and mental condition of the pauper patients when first admitted;
(*g.*) As to the dietary of pauper patients;
(*h.*) As to such other matters as to the visiting Commissioners seem fit.

(2.) Any one or more of the Commissioners may at any time visit any asylum with the like powers as are by this section given to two or more Commissioners.

**188.** At least two members of the visiting committee shall together, once at least in every two months, inspect every part of the asylum, and see every patient therein, so as to give everyone, as far as possible, full opportunity of complaint, and examine the order and certificate or certificates for the admission of every lunatic admitted since the last visitation and the general books kept in the asylum; and shall enter in the visitors book any remarks they think proper in regard to the condition and management of the asylum and the lunatics therein, and shall sign the book upon every visit. Visits by visiting committee.

**189.**—(1.) During the continuance of a contract for the reception of the pauper lunatics of a county borough or other borough in a county asylum not less than two members of the visiting committee of the borough appointed for the purpose shall together, at least once in every six months, visit the asylum and see and examine the lunatics received under the contract, and shall report the result of their visit to the council of the borough. Visits to lunatics received under a contract.

(2.) The visitors may, if they think fit, be accompanied by a medical practitioner who is not an officer of the asylum, and they may by order direct payment to such medical practitioner of such a sum as they think fit for his services, and such sum shall upon the production of the order be paid to the medical practitioner by the treasurer of the borough.

(3.) Every report under this section shall be entered among the records of the council of the borough, and may be inspected by the Commissioners, and the Commissioners may, if they think fit,

require the town clerk of the borough to transmit to them a copy of any such report.

Reports by visiting committee.

**190.**—(1) The visiting committee of every asylum shall in every year lay before each local authority to which the asylum belongs, at their quarterly meeting in November, or at such other time as the local authority appoints, a report in writing of the state and condition of the asylum, and as to its sufficiency to provide the necessary accommodation, and as to its management and the conduct of the officers and servants and the care of the patients therein.

(2.) The committee may in the report make such remarks in relation to any matters connected with the asylum as they think fit.

*Lunatics in Hospitals and Licensed Houses.*

Visits of the Commissioners to licensed houses and hospitals.

**191.**—(1.) Every hospital and licensed house may at any time, by day or night, be visited by any one or more of the Commissioners.

(2.) Every licensed house within the immediate jurisdiction of the Commissioners shall be visited six times a year (namely)—

(*a.*) Four times by not less than two Commissioners, of whom one shall be a medical practitioner and one a barrister; and

(*b*) Twice by one or more of the Commissioners.

(3.) Every licensed house not within the immediate jurisdiction of the Commissioners shall be visited twice a year by not less than two Commissioners, of whom one shall be a medical practitioner and one a barrister.

(4.) Every hospital shall be visited once a year by not less than two Commissioners, of whom one shall be a medical practitioner and one a barrister.

(5) The visits of the Commissioners shall be made without previous notice.

(6) Every visit shall be made on such day or days, and at such hours, and for such length of time, as the visiting Commissioners or Commissioner may, subject to any direction of the Commissioners, think fit.

(7.) The Lord Chancellor, on a representation by the Commissioners setting forth the expediency of the alteration, may by writing under his hand direct that during a specified period, or until the direction is revoked, the Commissioners shall not be required—

(*a.*) To visit a house licensed by justices more than once a year;

(*b.*) To visit a house licensed by the Commissioners and not receiving pauper patients more than twice a year.

Inspection of licence.

**192.** The visiting Commissioners at their first visit to a house licensed by justices after the grant or renewal of the licence shall examine the licence, and if the same is in conformity with this Act shall sign the same, or if it is informal shall enter in the visitors book in what respect it is informal.

**193.**—(1.) Every licensed house within the jurisdiction of visitors appointed by justices may at any time, by day or night, be visited by one or more of the visitors. Visits of visitors to licensed houses.

(2.) Every such house shall be visited—

(*a.*) Four times a year by not less than two of the visitors, of whom one shall be a medical practitioner; and

(*b.*) Twice a year by one or more of the visitors.

**194.**—(1.) The visiting Commissioners and visitors shall, at every visit to a hospital and licensed house which they are by this Act required to make, and any one or more of the Commissioners or visitors may at any other visit do all or any of the following things: Inspections and inquiries.

(*a.*) Inspect any or every part of the building where lunatics are received, and every building communicating therewith or detached therefrom, but not separated by ground belonging to any other person, and every part of the ground and appurtenances held, used, or occupied therewith:

(*b.*) See every patient and inquire whether any patient is under restraint, and why:

(*c.*) Inspect the order and certificates or certificate for every patient received since the last visit:

(*d.*) Consider the observations made in the visitors book:

(*e.*) Enter in the visitors book a minute of the condition of the house, of the patients therein, and the number of patients under restraint, with the reasons thereof:

(*f.*) Inquire—

When divine service is performed, and to what number of patients, and its effect;

What occupations and amusements are provided for the patients, and the results thereof;

How the patients are classified;

As to the condition of the pauper patients when first admitted;

As to the diet of the pauper patients;

As to the moneys paid to the manager on account of any lunatic under his care;

As to such other matters as may in their opinion require investigation.

(2.) The result of the foregoing inspections and inquiries, with such observations as may be thought proper, shall be entered in the visitors book.

(3.) Each visiting Commissioner or visitor may at any visit enter in the patients book such observations as he thinks fit as to the state of mind or body of any patient, and any irregularity which exists in any order or certificates, and also whether the suggestions (if any) made at any previous visit have been attended to, and any observations which may be thought proper.

**195.**—(1.) The manager of every hospital or licensed house shall show to each Commissioner and visitor visiting the same every part thereof, and every person therein detained as a lunatic. Managers of hospitals and licensed houses to show every

part and every patient to the visiting Commissioners and visitors

(2.) Every manager of a hospital or licensed house who conceals or attempts to conceal, or refuses or wilfully neglects to show, any part of the building, or any building communicating therewith or detached therefrom, but not separated as aforesaid, or any part of the ground or appurtenances held, used, or occupied therewith, or any person detained, or being therein, from any one or more of the visiting Commissioners or visitors, or from any person authorised under this Act to visit and inspect the hospital or house, or the patients therein or any of them, or who does not give full and true answers to the best of his knowledge to all questions which any visiting Commissioner or visitor asks in the execution of his office, shall be guilty of a misdemeanor.

Books and documents to be produced to visiting Commissioners and visitors

**196.**—(1.) The manager of every hospital or licensed house shall lay before the visiting Commissioners or Commissioner, or the visitors or visitor, at each visit—

(*a.*) A list of all the patients then in the hospital or house (distinguishing pauper patients from other patients, and males from females, and specifying such as are deemed curable):

(*b.*) The several books by this Act or any Rules under this Act required to be kept by the manager and by the medical officer of a hospital or licensed house:

(*c.*) All orders and certificates relating to patients admitted since the last visit:

(*d.*) In the case of a licensed house the licence then in force:

(*e.*) All other orders, certificates, documents, and papers relating to any of the patients at any time received into the hospital or licensed house which may be required to be produced.

(2.) Each visiting Commissioner or visitor shall sign the said books as having been produced.

Entries in the patients book as to doubtful patients.

**197.**—(1.) Every Commissioner visiting a house licensed by justices shall carefully consider and give special attention to the state of mind of any patient, as to the propriety of whose detention there is a doubt or as to whose sanity their attention is specially called, and shall, if the state of mind of such patient is considered doubtful, and the propriety of his detention requires further consideration, make and sign a minute thereof in the patients book.

(2.) A copy of every such minute shall, within two clear days after the same has been made, be sent by the manager of the house to the clerk of the visitors of the house, and the clerk shall forthwith communicate the same to the visitors, or some two of them (of whom one shall be a medical practitioner), and the visitors shall thereupon immediately visit the patient and act as they think fit.

(3.) Every manager who omits to send a copy, as herein-before directed, of every such last-mentioned minute, and every clerk who neglects to communicate the same to two of the visitors as aforesaid, shall be guilty of a misdemeanor.

*Visits to Single Patients.*

Annual visit to single patient.

**198.** One or more of the Commissioners shall once at least in every year visit every unlicensed house in which a single patient is

detained as a lunatic and inquire into and report to the Commissioners on the treatment and state of bodily and mental health of the patient.

**199.**—(1.) Any one Commissioner, on the direction of the Commissioners, or of any two of them (of whom the one Commissioner may be one), may at all reasonable times visit a single patient, and inquire into and report to the Commissioners or the Lord Chancellor on the treatment and state of health, both bodily and mental, of the patient, and as to the moneys paid on his account. Power to visit single patients, and report.

(2.) Any one or more of the visitors appointed for any county or borough shall, upon the request in writing of the Commissioners, or any two of them, have the like power as regards any single patient detained in an unlicensed house in such county or borough.

(3.) Upon every visit under this section the medical journal shall be produced to the person making the visit, and he shall sign the same.

(4.) Every report under this section shall be kept by the secretary of the Commissioners, and a copy thereof shall, if the Commissioners think it expedient, be laid before the Lord Chancellor.

**200.**—(1.) Any Commissioner visiting an unlicensed house may inspect any part of the house and the grounds belonging thereto. Power to inspect.

(2.) If the person having charge of a single patient refuses to show to any Commissioner, at his request, any part of the house wherein the single patient resides, or any part of the grounds belonging thereto, he shall be guilty of a misdemeanor.

*Visits to Paupers in certain Cases.*

**201.**—(1.) A medical practitioner appointed by the guardians of a union, and also the guardians of any union shall be permitted, whenever they see fit, between eight in the morning and six in the evening, to visit and examine any pauper lunatic chargeable to the union confined in any institution for lunatics, unless the medical officer of the institution delivers to the person or persons intending to make the visit a statement signed by him certifying that for the reasons set forth in the statement the visit would be injurious to the lunatic. Visits to paupers in institutions for lunatics.

(2.) The medical officer shall forthwith enter in the medical journal the reasons set forth in the statement, and shall sign the entry.

**202.**—(1.) Every pauper lunatic not in an institution for lunatics shall once in every quarter of a year (reckoning the several quarters as ending on the thirty first of March, the thirtieth of June, the thirtieth of September, and the thirty-first of December) be visited, if not resident in a workhouse, by the medical officer of the union, or district in which the lunatic is resident, and, if resident in a workhouse, by the medical officer of the workhouse. Visits to pauper lunatics not in an institution for lunatics.

(2.) The guardians of every union shall from time to time furnish to every medical officer of the union forms for the prescribed returns relating to pauper lunatics not in an institution for lunatics.

(3.) Where a pauper lunatic has, by order of the visiting committee, been delivered over to the custody of a relative or friend to whom an allowance is made for the maintenance of the lunatic, the medical officer of the union or district in which the lunatic resides shall, within three days after each quarterly visit, send to the visiting committee a report stating whether in his opinion the lunatic is properly taken care of, and may properly remain out of an asylum.

(4.) Each medical officer shall be paid two shillings and sixpence for each quarterly visit to a pauper not in a workhouse, and in addition two shillings and sixpence for every report sent to a visiting committee under this section, and those sums shall be paid by the same persons and be charged to the same account as the relief of the pauper.

(5.) Nothing in this section shall relieve any medical officer from any obligation under this Act to give notice to a relieving officer or overseer when it appears to such medical officer that a pauper lunatic ought to be sent to an asylum.

Visitation of workhouses.

**203.** Any one or more of the Commissioners shall, on such day or days, and at such hours in the day, and for such length of time as he or they may think fit, visit all such workhouses in which there is or is alleged to be any lunatic, as the Commissioners by any resolution direct, and shall inquire whether the provisions of the law have been carried out, and also as to the dietary, accommodation, and treatment of the lunatics, and shall report in writing thereon to the Commissioners, and the Commissioners shall forward a copy of every such report to the Local Government Board.

*Special Visits.*

Power to appoint a person to inquire into cases requiring immediate investigation.

**204.**—(1.) If, for reasons to be entered on the minutes of the board, any case appears to the Commissioners to call for immediate investigation, they may by order direct any competent person or persons to visit and report upon the mental and bodily condition of any lunatic or alleged lunatic in any institution for lunatics or workhouse, or under the charge of any person as a single patient, and to inquire into and report upon any matters into which the Commissioners are authorised to inquire.

(2.) Every such person shall, for the special purposes mentioned in the order, have all the powers of a Commissioner.

(3.) The Commissioners may allow to any such person a reasonable sum for his services and expenses.

Visits to lunatics so found, and other lunatics.

**205.**—(1.) The Lord Chancellor in the case of a lunatic so found by inquisition, and the Lord Chancellor or a Secretary of State in any other case, may at any time, by an order in writing under the hand of the Lord Chancellor or the Secretary of State, as the case

may be, directed to the Commissioners or any of them, or to any other person, require the persons or person to whom the order is directed to visit and examine a lunatic or alleged lunatic and to inspect any place in which a lunatic or alleged lunatic is detained, and to report to the Lord Chancellor or to a Secretary of State upon such matters as in the order are directed to be inquired into.

(2.) Every person (not being a Commissioner) employed under this section may be paid such sum of money for his services as the Lord Chancellor or a Secretary of State thinks reasonable.

(3.) Every person so employed, whether a Commissioner or not, shall be allowed his reasonable travelling or other expenses while so employed.

(4.) Sums payable under this section shall be paid out of moneys provided by Parliament.

*Lunatics in Private Families and Charitable Establishments.*

**Lunatics in private families and charitable establishments.**

**206.**—(1.) If it comes to the knowledge of the Commissioners that any person appears to be without an order and certificates detained or treated as a lunatic or alleged lunatic by any person receiving no payment for the charge, or in any charitable, religious, or other establishment (not being an institution for lunatics), they may require the person by whom the patient is detained, or the superintendent or principal officer of the establishment, to send to them, within or at such time or times as the Commissioners may appoint, a report or periodical reports by a medical practitioner of the mental and bodily condition of the patient, with all such other particulars as to him and his property as they think fit.

(2.) Any one or more of the Commissioners may at any time visit any such patient and report the result of the visit to the Commissioners, and may exercise, with respect to such patient, all the powers (except that of discharge) given to them as to persons confined in any institution for lunatics, or as single patients.

(3.) The Commissioners may, if they think fit, transmit any reports received by them, or may report the results of any inquiries made by them under this section, to the Lord Chancellor, who may thereupon make an order for the discharge of the patient from the custody in which he is detained or for his removal to an institution for lunatics, or to such other custody as he may think fit, and the expenses properly incurred of carrying any such order into effect and of maintaining the patient if so removed shall, if the order so directs, be paid by the guardians of the union in which the patient was found, until the authority legally liable for his maintenance has been ascertained; and such guardians shall have the same right to recover any such expenses paid by them against the lunatic and his estate, and the person or authority legally liable for his maintenance as in the case of orders for maintenance under this Act.

(4.) Where an order is made by the Lord Chancellor under this section for removal of a lunatic to an asylum, any justice of the

county or borough in which the asylum is may exercise all the authorities conferred upon a justice by this Act, for the purpose of making the lunatic's property applicable to his maintenance and for maintaining him as a pauper.

(5.) All reports and particulars sent to the Commissioners under this section shall be kept by them, and shall be open to inspection only by the Commissioners and the Lord Chancellor, and by such persons as the Lord Chancellor directs.

## PART VIII.

### LICENSED HOUSES AND HOSPITALS.

*Restrictions on New Licences.*

Restrictions on new licences.

**207.**—(1.) If the Commissioners in the case of a house within their immediate jurisdiction, or in the case of a house licensed by justices the justices, are of opinion that a house licensed for the reception of lunatics has been in all respects well conducted by the licensees, the Commissioners or justices may upon the expiration of the licence renew the licence for that house to the former licensees, or any one or more of them, or to their successors in business.

(2.) If on the twenty-sixth of August, one thousand eight hundred and eighty-nine, the licensees of any house had made arrangements to establish a new house for the reception of lunatics in the place of an existing house, and the Commissioners, or if the existing house was within the jurisdiction of justices the justices, are of opinion that such new house will be as well suited for the purpose as the existing house, and are also of opinion that the existing house has been in all respects well conducted, the Commissioners or justices may grant to the licensees of the existing house, or any one or more of them, a licence for the new house, and may renew the same to the original licensees, or any one or more of them, or to his or their successors in business.

(3.) If at any time it is shown to the satisfaction of the Commissioners or the justices, as the case may be, that it would be for the comfort and advantage of the patients in any licensed house that another house should be substituted in place thereof, the Commissioners or justices may grant to the licensees of such first-mentioned house a licence in respect of such other house upon and subject to the same conditions and restrictions as may have existed in respect of the first-mentioned house.

(4.) In the case of joint licensees or proprietors who desire to carry on business apart from one another, if, in the opinion of the Commissioners or of the justices, as the case may be, the establishment conducted by them jointly, and also any new house which any of them desires to conduct, answers the conditions herein-before required for granting renewed licences, the Commissioners or justices, as the case may be, may grant to each of such licensees or proprietors renewed licences for such number of patients (not exceeding in the aggregate the number allowed by the joint licence) as such joint licensees or proprietors agree upon, or, failing their agreement, as the Commissioners or justices determine.

(5.) Where the licensee of a house is a medical man in the employment of the proprietor of such house as his manager, the licence shall be transferable or renewable to such licensee so long as he continues manager of the house, or to the proprietor, or to any other medical manager while employed by the proprietor in the place of the former manager.

(6.) Save as in this section provided, no new licence shall be granted to any person for a house for the reception of lunatics, and no house in respect of which there is at the passing of this Act an existing licence shall be licensed for a greater number of lunatics than the number authorised by the existing licence.

*Jurisdiction of Commissioners and Justices.*

**Places within immediate jurisdiction of Commissioners.**

**208.**—(1.) The Commissioners shall exercise the licensing jurisdiction under this Act as regards the places mentioned in the third schedule which are to be deemed within their immediate jurisdiction.

(2.) In all places not within the immediate jurisdiction of the Commissioners the justices for every county and quarter sessions borough shall be the licensing justices, and shall at quarter or special sessions respectively have the same authority within their counties and boroughs to license houses for the reception of lunatics as the Commissioners within their immediate jurisdiction.

(3.) A person shall not act in granting any licence if he is, or within one year next preceding has been, interested in a licensed house.

**Borough justices to hold special sessions**

**209.** For the purposes of this Part of this Act the justices of every borough shall assemble in special sessions at such times as the quarter sessions for the borough are held.

*Conditions on which Licences granted.*

**Before grant of a new licence by justices Commissioners to inspect and report.**

**210.** Before a licence is in any case provided for by this Act granted for a house not within the immediate jurisdiction of the Commissioners and not previously licensed, one or more of the Commissioners shall by inspection ascertain whether the house and its appurtenances are suitable for the reception of lunatics, and the Commissioners shall report thereon to the clerk of the peace of the county or borough, and the report shall be received and considered by the justices.

**Licensee to reside.**

**211.** A licence shall not be granted unless the licensee or one of the licensees undertakes to reside in the house.

**Licence to joint licensees.**

**212.** In the case of a licence granted to two or more persons, if before the expiration of the licence any of such persons dies leaving the others surviving, and one of the survivors has undertaken or within ten days after the death gives to the Commissioners or the justices who granted the licence a written undertaking to reside on the licensed premises, the licence shall remain in force and have the same effect as if granted to the survivors.

Notice of additions and alterations.

**213.** No addition or alteration shall be made to any licensed house or the appurtenances without the previous consent in writing of the Commissioners, and also of two of the visitors in the case of a house within the jurisdiction of visitors

Untrue statement a misdemeanor.

**214.** If any person, for the purpose of obtaining a licence or the renewal of a licence for a house for the reception of lunatics, wilfully supplies to the Commissioners or justices any untrue or incorrect information, plan, description, statement, or notice, he shall be guilty of a misdemeanor

A copy of licence granted by justices to be sent to the Commissioners.

**215.**—(1) Within seven days after the grant of a licence by the justices of a county or borough the clerk of the peace of the county or borough shall send a copy thereof to the Commissioners.

(2) Any clerk of the peace omitting to send such copy within such time shall for every such omission be liable to a penalty not exceeding forty shillings

Stamps on licences.

**216.** Licences and renewed licences shall be stamped with a ten shilling stamp, and shall be under the seal of the Commissioners, if granted by them, and if by any justices under the hands of three or more of them in quarter or special sessions assembled, and shall be granted for such period, not exceeding thirteen months, as the Commissioners or justices, as the case may be, think fit.

Charge for licences.

**217.**—(1.) For every licence there shall be paid to the secretary of the Commissioners, or to the clerk of the peace, according as the licence is granted by the Commissioners or justices, (exclusive of the stamp,) the sum of ten shillings for every patient not being a pauper, and the sum of two shillings and sixpence for every patient being a pauper.

(2) If the total amount of such sums of ten shillings and two shillings and sixpence does not amount to fifteen pounds, then so much more shall be paid as makes up fifteen pounds.

(3.) If the period for which a licence is granted is less than thirteen months, the Commissioners or the justices may reduce the payment to any sum not less than five pounds.

(4) The payment for a licence for a new house granted upon the transfer of patients from a licensed house shall be not less than one pound (exclusive of the stamp).

(5.) No licence shall be delivered until the sum payable for the same has been paid.

Incapacity or death of the person licensed

**218.**—(1.) If a person to whom a licence has been granted becomes by sickness or other sufficient reason incapable of keeping the licensed house, or dies before the expiration of the licence, the Commissioners or any three justices for the county or borough, as the case may be, may, if they think fit, by writing endorsed on the licence under the seal of the Commissioners or under the hands of such three justices, transfer the licence, with all the privileges and obligations annexed thereto, for the term then unexpired, to such person as the Commissioners or justices approve.

(2) Where a licence is transferred by justices of a county or borough under this section, the clerk of the peace of the county or borough shall within three days after the date of the instrument of transfer send a copy thereof to the Commissioners.

(3.) A clerk of the peace who makes default in performing the duty imposed upon him by this section, shall, for each day during which the default continues, be liable to a penalty not exceeding forty shillings.

**219.** In cases in which under this Act a house not previously licensed is to be substituted for a licensed house, unless the substitution is occasioned by fire or tempest, seven clear days' notice of the intended substitution shall be sent to the person on whose petition the reception order of each private patient was made, or to the person by whom the last payment on account of the patient was made, and to the authority liable for the maintenance of each pauper patient.

Notice on change of house.

**220.** If a licensee receives into his licensed house any patients beyond the number specified in the licence, or fails to comply with the regulations of the licence as to the sex of the patients or the class of patients, he shall for each patient received contrary to his licence forfeit fifty pounds.

Penalty for infringing licence.

**221.**—(1.) If a majority of the justices of a county or quarter sessions borough in quarter or special sessions assembled recommend to the Lord Chancellor that any licence granted by the justices for such county or borough be revoked, or if the Commissioners recommend to the Lord Chancellor that any licence granted either by them or by any justices be revoked or if granted by any justices be not renewed, the Lord Chancellor may, by an instrument under his hand and seal, revoke or prohibit the renewal of the licence.

Power of revocation and prohibition of renewal of licences.

(2.) A revocation of a licence shall take effect at a date to be named in the instrument of revocation, not more than two months from the time when a copy or notice thereof has been published in the London Gazette.

(3.) A copy or notice of the instrument of revocation shall be published in the London Gazette, and shall, before publication, be transmitted to the manager of the licensed house, or shall be left at the licensed house.

(4.) In case of any such revocation or prohibition to renew being recommended to the Lord Chancellor, notice thereof in writing shall, seven clear days previously to the transmission of such recommendation to the Lord Chancellor, be given to the manager, or left at the licensed house.

**222.** If after the lapse of two months from the expiration or revocation of the licence of any house, there are in the house two or more lunatics, every person keeping the house or having the care or charge of the lunatics therein, shall be guilty of a misdemeanor.

Detention of lunatics after expiration or revocation of a licence a misdemeanor.

**223.** The powers of the Commissioners and visitors with reference to any licensed house and the patients therein, and all powers and provisions of this Act having reference to the discharge, removal, and transfer of the patients, shall, after the expiration or revocation of the licence, continue in force so long as any patients are detained therein as lunatics.

Powers to continue so long as any lunatics detained.

*Application of Fees for Licences.*

Application of moneys received for licences by clerks of the peace

**224.**—(1.) All moneys received for licences granted by any justices shall be paid by the clerk of the peace for the county or borough into the county or borough fund.

(2.) The clerk of the peace for every county or borough shall keep an account of all moneys received and paid by him as aforesaid, and of all moneys otherwise received or paid by him in the execution of this Act.

(3.) Such account shall be made up to the thirty-first day of March in each year, or to such other date as the Local Government Board appoint, and shall be signed by two at least of the visitors for the county or borough, and in the case of the clerk of the peace of a county, shall be audited by the same person, in the same manner, and with the same incidents and consequences as the accounts of officers of the county council under the Local Government Act, 1888.

51 & 52 Vict. c. 41.

Balance of payments over receipts may be paid out of the funds of the county or borough.

**225.**—(1.) The justices of every county or borough in quarter or special sessions may order such sums as may be reasonable for payment of the remuneration or salary of the visitors and their clerk, and of all other expenses incurred by or under the authority of the justices or visitors in the execution of this Act, to be paid to the clerk of the peace of the county or borough out of the county or borough fund.

(2.) Every such sum shall be paid out of the county or borough fund by the treasurer thereof, and shall be allowed in his accounts, on the authority of the order by the justices for the payment thereof.

(3.) Every sum ordered to be paid by justices of a county under this section shall be subject to the sanction of the standing joint committee of the county council and quarter sessions as provided by section sixty-six of the Local Government Act, 1888.

*Management of Licensed Houses.*

Commissioners may make regulations for the government of licensed houses.

**226.** The Commissioners, with the sanction of a Secretary of State, may make regulations for the government of any licensed house; and such regulations of the Commissioners, or a copy thereof, shall be transmitted by their secretary to the manager of every licensed house to which the same relate, and shall be observed therein.

Plans to be hung up.

**227.** There shall be hung up in some conspicuous part of every licensed house a copy of the plan given to the Commissioners or justices on applying for the licence.

Provision for residence and visits of medical attendants.

**228.**—(1.) In every house licensed for one hundred patients, or more, there shall be resident as the manager and medical officer thereof a medical practitioner.

(2.) Every house licensed for less than one hundred and more than fifty patients (in case the house is not kept by or has not a resident medical practitioner) shall be visited daily by a medical practitioner.

(3.) Every house licensed for less than fifty patients (in case the house is not kept by or has not a resident medical practitioner) shall be visited twice a week by a medical practitioner.

(4.) The visitors of any licensed house may direct that such house, and the Commissioners may direct that any licensed house shall be visited by a medical practitioner at any other time or times, not being oftener than once a day.

(5.) When a house is licensed to receive less than eleven lunatics, any two of the Commissioners or any two of the visitors of such house may, if they think fit, by any writing under their hands, permit the house to be visited by a medical practitioner at such intervals more distant than twice a week as the Commissioners or visitors appoint, but not at a greater interval than once in every two weeks.

**Boarders in licensed houses.**

**229.**—(1.) The manager of a licensed house may, with the previous consent in writing of two of the Commissioners, or, where the house is licensed by justices, of two of the justices, receive and lodge as a boarder for the time specified in the consent any person who is desirous of voluntarily submitting to treatment; after the expiration of which time (unless any further consent is in like manner given for the extension thereof) he shall be discharged. The manager of a licensed house may also, with such previous consent as aforesaid, receive and lodge as a boarder, for the time specified in the consent, any relative or friend of a patient.

(2.) The consent of the Commissioners or justices, as the case may be, shall be given only upon application to them by the intending boarder.

(3.) The total number of patients and boarders in a licensed house shall at no one time exceed the number of patients for which the house is licensed.

(4.) Every boarder shall, if required, be produced to the Commissioners and visitors respectively on their respective visits.

(5.) A boarder may leave the licensed house in which he is a boarder upon giving to the manager thereof twenty-four hours notice in writing of his intention so to do.

(6.) If any person is not allowed to leave the licensed house in which he is a boarder after the expiration of twenty-four hours notice to the manager thereof of his intention so to do, he shall be entitled to recover from the manager ten pounds as liquidated damages for each day or part of a day during which he is detained.

## *Hospitals.*

**Hospitals to have a resident medical attendant.**

**230.** Every hospital for the reception of lunatics shall have a medical practitioner resident therein as the superintendent and medical officer thereof.

**Provisions for registration of hospitals in which lunatics are received.**

**231.**—(1.) When application is made for the registration of a hospital for the reception of lunatics, the Commissioners may depute any one or more members of their body, or may employ such person or persons as they think fit, to inspect the hospital and report to them thereon.

(2) If the Commissioners are of opinion that the hospital ought not to be registered for the reception of lunatics, they shall make a written report to a Secretary of State, stating the reasons for such opinion, and the Secretary of State shall thereupon finally determine whether the hospital ought to be registered or not.

(3.) If the Commissioners are of opinion or a Secretary of State determines that the hospital ought to be registered, the Commissioners shall issue a provisional certificate of registration.

(4) A provisional certificate shall be valid for six months from the date of its issue, and for such extended time as the Commissioners allow, unless before its expiration it is superseded by a complete certificate of registration

(5) Within three months from the date of the provisional certificate, the managing committee of the hospital shall frame regulations for the hospital, and shall submit the same to a Secretary of State for approval.

(6.) Upon approval of the regulations by a Secretary of State, the Commissioners shall issue a complete certificate of registration, and shall specify therein the total number of patients of each sex who may be received in the hospital.

(7) As from the date of a provisional certificate lunatics may be received in the hospital, but if no complete certificate of registration is granted, then no lunatic shall be received or detained in the hospital after the expiration of the provisional certificate.

(8.) The total number of patients and boarders, if any, in a hospital shall at no one time exceed the number of patients for which the hospital is certified.

(9.) No lunatic shall be received in any hospital unless the same has been registered before the passing of this Act, or is registered under a provisional or complete certificate by virtue of this Act.

(10.) The superintendent of any hospital who receives or detains any lunatic in the hospital contrary to the provisions of this Act, or to the terms of the complete certificate of registration, shall be guilty of a misdemeanor.

Regulations.

**232.**—(1.) The regulations for the time being in force in a hospital shall be observed.

(2.) Such regulations shall be printed, and a copy thereof shall be sent to the Commissioners, and another copy hung up in the visitors room in the hospital.

(3.) If the regulations are not so sent and hung up, the superintendent shall be liable to a penalty not exceeding twenty pounds.

Buildings not shown on plans not to be used for accommodation of lunatics

**233.**—(1) No building in the occupation of the managing committee of a registered hospital not shown on the plans sent to the Commissioners pursuant to any rules made by them shall be deemed part of the hospital for any purpose connected with the reception or the care and treatment of lunatics.

(2.) If the superintendent of a registered hospital knowingly permits any lunatic to be detained or lodged in any building not shown on the plans of the hospital sent to the Commissioners, he shall be deemed guilty of a misdemeanor.

**234.**—(1.) The accounts of every registered hospital which does not submit its accounts to the Charity Commissioners shall be audited once a year by an accountant or other auditor to be approved by the Lunacy Commissioners, and shall be printed.

Accounts to be audited and printed.

(2.) The Lunacy Commissioners may, if they think fit, prescribe the form in which the accounts of any registered hospital are to be kept, and the day of the year to which they are to be made up.

**235.** The managing committee of any hospital may grant to any officer or servant who is incapacitated by confirmed illness, age, or infirmity, or who has been an officer or servant in the hospital for not less than fifteen years and is not less than fifty years old, such superannuation allowance, not exceeding two-thirds of the salary of the superannuated person, with the value of the lodgings, rations, or other allowances enjoyed by him, as the committee think fit.

Superannuation allowance of officer of hospital.

**236.** The following persons shall be disqualified from being members of the managing committee of a registered hospital:

(*a*) Any medical or other officer of the hospital:

(*b*.) Any person who is interested in or participates in the profits of any contract with or work done for the managing committee of the hospital, but so that this disqualification shall not extend to a person who is a member of an incorporated company which has entered into a contract with or done any work for the managing committee.

Persons disqualified to be members of managing committee of hospital.

**237.**—(1.) The Commissioners may require the superintendent or any other officer of a registered hospital to give them such information as the Commissioners think fit as to the mode in which the regulations of the hospital are carried out.

Powers for enforcing regulations of hospitals.

(2) If the Commissioners are of opinion that the regulations are not properly carried out, they may give to the superintendent and any two members of the managing committee of the hospital notice stating the particulars in which the regulations are not properly carried out, and requiring such things to be done as the Commissioners think proper for carrying out the same.

(3) If at the expiration of six months from the date of the notice the requirements of the notice have not, in the opinion of the Commissioners, been complied with, the Commissioners, with the consent in writing of a Secretary of State, may make an order directing the hospital to be closed as from the date named in the order, so far as the reception and detention of lunatics is concerned.

(4.) If any lunatics are detained or kept in the hospital after the date appointed by the order for closing the hospital, the superintendent of the hospital shall be guilty of a misdemeanor.

(5.) Before an order is made under this section, the Commissioners shall send to the superintendent and any two members of the managing committee of the hospital notice in writing requiring them to state in writing within fourteen days the reasons why the requirements of the first notice have not been complied with; and such statement, if any, shall be laid before the Secretary of State.

## PART IX.

### COUNTY AND BOROUGH ASYLUMS.

*Obligation to provide Asylums.*

Local authorities to provide asylums.

**238.**—(1.) Every local authority, as defined by this Act, shall provide and maintain an asylum or asylums for the accommodation of pauper lunatics.

(2.) Where the asylum accommodation of a local authority appears to the local authority to be insufficient, the local authority may supply the deficiency by exercising the powers by this Act conferred for providing asylum accommodation, or by rebuilding or enlarging any existing asylum.

(3.) For the purpose of providing asylum accommodation, a local authority may purchase any licensed or other houses and land.

(4.) For the purpose of providing asylum accommodation a local authority not being a county council shall have the same powers as are by section sixty-five of the Local Government Act, 1888, conferred upon a county council.

51 & 52 Vict. c. 41.

Powers to be exercised by a visiting committee.

**239.** A local authority shall exercise the powers conferred by this Act for providing asylum accommodation by a visiting committee, subject, if the local authority thinks fit, to their directions as to which of the methods of providing asylum accommodation authorised by this Act shall be adopted.

*Local Authority defined.*

Local authority defined.

**240.** The council of every administrative county and county borough respectively constituted under the Local Government Act, 1888, and the council of each of the boroughs specified in the Fourth Schedule, or in the case of the City of London the common council, shall be a local authority for the purposes of this Act.

*Powers for providing Asylums.*

Power to provide asylums for pauper and private patients.

**241.** A local authority may provide asylum accommodation for pauper and private patients, together or in separate asylums, and may provide separate asylums for idiots or patients suffering from any particular class of mental disorder.

Modes in which asylum may be provided.

**242.**—(1.) For the purpose of providing asylum accommodation, a local authority may do all or any of the following things:—

(*a.*) Provide and maintain an asylum alone;

(*b.*) Agree to unite in providing and maintaining a district asylum with any other local authority or local authorities;

(*c.*) Agree to unite with any other local authority or local authorities upon such terms as to payment and otherwise as may be thought proper for the joint use as a district asylum of any existing asylum, and, if they think fit, for the enlargement of the same.

(2.) Where an agreement to unite has been entered into, an agreement for further union may be entered into between all or any of the local authorities concerned, and for all the purposes of

this Act an agreement for further union shall be deemed to be an agreement to unite.

(3.) An agreement to unite shall not be carried into effect without the approval of a Secretary of State.

**243.**—(1.) The council of a county borough may contract with the visiting committee of an asylum for the reception of the pauper lunatics of the borough into the asylum.

Contract between council of county borough and visiting committee.

(2.) Any such contract may be made for such consideration and upon such terms as to duration, determination, and otherwise as may be agreed between the council of the borough and the visiting committee of the asylum.

(3.) While a contract under this section is in force, making adequate provision for the pauper lunatics of the borough, the council of the borough shall not be required to provide an asylum alone or in union.

(4.) A contract under this section shall not be carried into effect until approved by a Secretary of State.

**244.**—(1.) Where a county borough has contributed to the cost of building and furnishing a county asylum, the existing liability of the borough council shall continue until a new arrangement is made under this section, and the county council shall provide accommodation for and maintain pauper lunatics sent from the borough on the same terms as hitherto.

Provision for case where a county borough has contributed to the cost of a county asylum.

(2.) Any new arrangement may be made between the county council and all the borough councils concerned, with respect to any such asylum; and if any such new arrangement is made, the borough and county councils may carry into effect any adjustment of property, debts, and liabilities which is the subject of such arrangement. If any council desires to make a new arrangement, and any or all of the other councils refuse to agree to the same, the matter shall be referred to the Commissioners under the Local Government Act, 1888, or, after they have ceased to hold office, to arbitration under that Act.

51 & 52 Vict. c. 41.

**245.**—(1.) Where any borough specified in the Fourth Schedule contributes to a county asylum, such borough shall, so long as it continues to contribute, be deemed to satisfy the requirements of this Act with respect to asylum accommodation.

Borough contributing to county asylum exempt.

(2.) The council of the borough may resolve for the purpose of providing asylum accommodation to separate from the county to which it contributes.

(3.) Notice of the resolution to separate shall be given to the clerk of the county council, and upon the expiration of six months from the date of the notice, the council of the borough shall be subject to the obligations imposed by this Act of providing asylum accommodation.

(4.) Notwithstanding a notice to separate, the council of the borough shall continue liable to contribute to the county asylum, until all the pauper lunatics therein belonging to the borough have been removed.

**246.** Where any borough specified in the Fourth Schedule has contracted for the reception of the lunatics of the borough in the

Where borough contracts with county powers

of borough to provide an asylum to cease on determination of contract

asylum of the county in which the borough is situate, the borough shall, on the determination of the contract, cease to be a local authority under this Act, and subject to the enactments providing for an additional charge for the maintenance of lunatics in cases where no contribution has been made towards the cost of building and furnishing an asylum, shall be liable to contribute to the county rate of the county in respect of such lunatic asylum in like manner as the rest of the county.

*Power of Secretary of State to enforce Act.*

Default by county or borough in providing asylum.

**247.** If the Commissioners report to a Secretary of State that any local authority has failed to satisfy the requirements of this Act as regards asylum accommodation, the Secretary of State may require the local authority to provide such accommodation in such manner as he may direct, and the local authority shall forthwith carry the requisition into effect.

*Agreements to unite.*

Provisions to be contained in agreements to unite.

**248.**—(1.) Agreements to unite shall state—

(*a.*) The number of visitors to be chosen by each contracting party,

(*b.*) The proportion in which the expenses of providing the asylum are to be borne by each contracting party, and the basis upon which such proportion is fixed;

Form 21.

(*c*) Where the agreement provides for the joint user of an existing asylum, the sum to be paid by each contracting party towards expenses already incurred.

(2.) Provisions in any agreement to unite, subjecting the visiting committee to any control not provided for by this Act, except the control of the Secretary of State, shall be of no effect.

Apportionment of expenses

**249.** The proportion in which the expenses of providing a district asylum are to be borne, as between the uniting counties and boroughs, may be fixed either according to the extent of the accommodation required for each county and borough, or in proportion to the respective population of each county or borough according to the last census for the time being.

Power to vary agreement to unite.

**250.** An agreement to unite may with the consent in writing of a majority of the visitors of each contracting local authority and with the sanction of the Secretary of State be altered or varied, but not so as to contain any provision which might not have been contained in an agreement to unite in the first instance.

Agreement to unite to be reported and delivered to clerk of local authority.

**251.**—(1.) Every agreement to unite shall as soon as possible be reported to the local authorities interested.

(2.) The original of every agreement to unite, and of every agreement varying an agreement to unite, shall be delivered to the clerk of the local authority within whose administrative area the asylum to which the same relates is situate or is intended to be situate, and shall be kept by him among the records of the local authority.

(3) The original agreement so delivered may be inspected without payment by any Commissioner and by any member of the council of any of the contracting local authorities.

(4.) The clerk of a local authority to whom any such agreement is delivered shall cause copies to be made thereof, and shall within twenty days after delivery to him of the original send one copy to the Commissioners and another copy to each of the contracting local authorities.

**Application of money paid for expenses already incurred.**

**252.** Where under an agreement to unite a sum is to be paid towards the expenses already incurred by a local authority in relation to an existing asylum, the sum shall be paid to the treasurer of the local authority as part of the county or borough fund and shall be applied to purposes for which capital is properly applicable.

**Visitors to be chosen.**

**253.** When an agreement to unite has been reported, each local authority shall elect out of their body the number of visitors agreed to be chosen by them, and the visitors so chosen shall carry the agreement into effect and shall be the visiting committee of the asylum until the election of a visiting committee in their place.

*Purchase of Land and other incidental Powers.*

**Powers of committee to provide asylum.**

**254.**—(1.) A visiting committee authorised to provide asylum accommodation may agree upon plans and estimates, and contract for the purchase of lands and buildings with or without fittings and furniture, and for the erection, restoration, enlargement, and furnishing of buildings, and for the supply of clothing, and for all the matters necessary for carrying into effect the authority conferred upon them.

(2) Plans and contracts agreed upon by a visiting committee shall not be carried into effect until approved by a Secretary of State.

(3.) A visiting committee shall report to the local authority or local authorities by whom they were elected, all plans, estimates, and contracts agreed upon, and also the amount to be paid by each local authority, and such plans, estimates, and contracts shall be subject to the approval of the local authority, to whom they are to be reported, except where the amount to be expended does not exceed an amount previously fixed by the local authority.

(4.) In the event of a difference between any local authorities as to whether any plan, estimate, or contract ought to be approved, the local authority withholding approval shall, within four months after the plan, estimate, or contract has been reported to them, send to a Secretary of State a statement in writing of their objections, and the Secretary of State may direct the plan, estimate, or contract to be carried into execution, with or without any alterations, or he may direct such other plan, estimate, or contract, as he thinks fit, to be carried into execution, and the decision of a Secretary of State under this section shall be final.

Additions to asylums for private patients.

**255.** The visiting committee of an asylum, with the consent of each local authority by whom the asylum is provided, and with the approval in writing of a Secretary of State, may make such alterations in or additions to the asylum either by way of detached buildings or blocks of buildings or otherwise as they think fit for the purpose of providing accommodation for private lunatics.

Contracts.

**256.**—(1.) Every person entering into a contract with a visiting committee shall give sufficient security for due performance of the contract.

(2.) Every such contract and all orders relating thereto shall be entered in a book to be kept by the clerk of the visiting committee, and when the contract is completed the book shall be deposited and kept among the records of the local authority, or, when more than one local authority is interested, then among the records of the local authority which contributes the largest proportion of the expenses of the contract.

(3.) Every such book may be inspected at all reasonable times by any person contributing to the rates of the local authority interested in the contract.

(4.) A copy of every such book shall be kept at the asylum to which the contract relates.

Enlargement of district asylum.

**257.** A district asylum shall not be enlarged or improved without the consent of all the parties to the agreement under which the same is provided.

Burial grounds.

**258.**—(1.) The visiting committee of an asylum, with the consent of the local authority by whom they are appointed and of a Secretary of State, may provide for the burial of lunatics dying in the asylum, and of the officers and servants belonging thereto—

(*a*) By appropriating any land already belonging to them or acquiring any land, not exceeding in either case two acres, for enlarging an existing burial ground, or for providing a new burial ground;

(*b*.) By agreeing with any corporation or persons or body of persons willing to provide for the burial of such lunatics and other persons as aforesaid.

(2.) The committee may procure the consecration of a new or enlarged burial ground, and in the case of a new burial ground, may provide for the appointment of a chaplain therein.

(3.) The incumbent of the parish in which a new or enlarged burial ground provided by a visiting committee is situate, shall not be entitled to any fee for the interment of any person buried therein by direction of the committee.

Burial of lunatics.

**259.** Where a visiting committee undertakes the burial of any pauper lunatic, and the public burial ground of the parish where the death took place is closed or inconveniently crowded, the burial may take place in a public burial ground of some other parish, with the consent of the minister and churchwardens of that parish, and in that case the visiting committee shall pay to the person entitled thereto the burial fees payable under any Act or according to the custom of the place of burial.

**260.** For the purpose of the purchase of lands by visiting committees the Lands Clauses Acts are hereby incorporated with this Act, except the provisions relating to the purchase of land otherwise than by agreement, the sale of superfluous lands, the recovery of forfeitures, penalties, and costs and access to the special Act, and the expression "promoters of the undertaking" wherever used in the Lands Clauses Acts shall mean a visiting committee, and the expression "special Act" shall mean this Act. Incorporation of Lands Clauses Acts.

**261.**—(1.) A visiting committee, instead of purchasing any land or buildings which they are authorised to purchase, may take a lease thereof for any term not less than sixty years at such rent and subject to such covenants as the committee think fit. Power to take land on lease.

(2.) A visiting committee, with the sanction of each local authority for whom they are authorised to act, may hire or take on lease from year to year, or for any term of years, at such rent and subject to such covenants as they think fit, any land or buildings for the employment of the patients in the asylum, or for the temporary accommodation of any pauper lunatics for whom the accommodation in the asylum is inadequate.

(3.) Lands and buildings hired or taken on lease under this section shall be deemed part of the asylum, and be subject to all existing provisions as to the asylum.

**262.** The asylum to be provided by any local authority either solely or jointly, may be situate without the limits of the administrative area of the local authority, and if the asylum or any part thereof is so situate, the council and justices of the county, county borough, or borough to which the asylum wholly or in part belongs shall have full power and authority to act in the county or borough in which the asylum is situate, so far as concerns the regulation of the asylum and the powers conferred by this Act, as if the asylum were situate within the proper jurisdiction of such council and justices. Situation of asylum.

**263.** Lands and buildings already or to be hereafter purchased or acquired for the purposes of any asylum, and any additional building erected or to be erected thereon, shall, while used for those purposes, be assessed to county, parochial, district and other rates made after the commencement of this Act on the same basis and to the same extent as other lands and buildings in the same parish, township, or district. Rating of asylums.

**264.** Any lands acquired for the purposes of this Act may be conveyed to the local authority being a county council, or in cases where the local authority is the council of a borough to the municipal corporation of the borough, or, where more than one local authority is interested, to the local authorities interested as joint tenants. How lands to be conveyed.

**265.** Any lands or buildings which have been used for the purposes of an asylum, and have been found unsuitable, or are otherwise not required for such purposes, may, with the consent of a Secretary of State, and subject to such conditions as he thinks fit to impose, be retained by the local authority, and appropriated for any purposes for which the local authority is empowered to acquire land. Power to retain land unsuitable or not required for asylum purposes.

Repairs, alterations, improvements.

**266.**—(1.) The visiting committee of an asylum may, of their own authority, order all necessary and ordinary repairs. They may also, of their own authority, order all necessary and proper additions, alterations, and improvements which the asylum may require, to an amount not exceeding four hundred pounds in any one year.

(2.) An order for repairs, additions, alterations, or improvements to an amount exceeding one hundred pounds shall not be given, unless the order is approved and signed by at least three visitors at a meeting of the visiting committee duly summoned upon notice that the proposed expenditure is to be considered thereat.

(3.) Any expenditure incurred, except for repairs, shall be reported by the visiting committee to the local authority on whose behalf the expenditure was incurred.

(4.) In the case of a district asylum, the visiting committee shall apportion expenses incurred under this section in the proportion in which each local authority has contributed to the erection of the asylum, or where any other proportion is fixed by an agreement to unite then in the proportion so fixed; and where any such agreement only provides in what proportion the expense of repairs shall be borne, the expense of additions, alterations, and improvements shall be borne in the same proportion.

(5.) The visiting committee shall make an order for payment of the expenses incurred under this section upon the treasurer of the local authority, or, in the case of a district asylum, shall make an order upon the treasurer of each local authority concerned for payment of the expenses apportioned to that local authority, and the treasurer upon whom the order is made shall pay the amount mentioned in the order out of the county or borough fund.

*Dissolution of Agreement to unite.*

Power to dissolve a union

**267.**—(1.) A visiting committee, with the consent of a Secretary of State, may by a resolution passed by a majority of the whole number of the members of the committee at a meeting summoned upon notice that the resolution is to be proposed thereat dissolve an agreement to unite.

(2.) Every local authority interested under an agreement to unite shall, before a dissolution of the agreement takes effect, elect a committee to provide asylum accommodation in accordance with the provisions of this Act.

(3.) In case an agreement to unite is dissolved between any local authority not having an asylum and a local authority which has an asylum and is in receipt of an annual fixed payment as remuneration for any expenses incurred for the benefit of the local authority making the payment, such last-mentioned local authority may raise such a sum of money for compensation to the local authority receiving the payment as may be agreed upon and approved by the visiting committee by whom the union is dissolved.

(4.) Upon the dissolution of an agreement to unite the visiting committee may divide the real and personal property held for the

purposes of the agreement among the several local authorities, between whom the agreement existed, in the proportion in which they contributed thereto or are interested therein, or in such proportions as the visiting committee, with the consent of a Secretary of State, think fit. And a sum of money of such amount, and to be raised by any of the local authorities parties to the agreement in such proportions as the committee, with the consent of a Secretary of State, approve, may be awarded to any local authority instead of a share or part of a share in such property.

(5) Any money to be raised under this section may be raised in the same manner and by the same means as other moneys appointed to be raised for the purposes of this Part of this Act.

*Cancellation of Contracts.*

**Power to cancel contract.**

**268.**—(1.) Where any lands contracted to be purchased or taken in exchange by a visiting committee are found unsuitable, or are not required, the committee, or any committee appointed in their place, may, with the consent of a Secretary of State, and upon payment of such sum, if any, as a Secretary of State approves, procure a release from the contract and execute a release to the other contracting party.

(2.) The consideration, if any, for such release, and all expenses in relation to the contract and release, shall be raised in the same manner as if the same were payable in respect of the purchase money of lands for the purposes aforesaid.

*Admission of Pauper Lunatics from other Counties or Boroughs.*

**Power to contract for reception of lunatics.**

**269.**—(1.) A visiting committee (in this section called the contracting committee) may contract with the manager of a licensed house, or subject as in this section provided with any other visiting committee (in this section called the receiving committee), for the reception into that house, or into the asylum of the receiving committee, of all or any of the pauper lunatics of the local authority for which the contracting committee is acting, or for the use and occupation of the whole or any part of the house, upon such terms as may be agreed.

(2.) Where a contract between a visiting committee and the subscribers to a hospital for the reception of pauper patients into the hospital was subsisting on the twenty-sixth of August one thousand eight hundred and eighty-nine, such contract shall continue in force, and on its expiration a new contract may be entered into with such subscribers subject to the provisions of this section.

(3.) A contract between a visiting committee and any other visiting committee or the manager of a licensed house or the subscribers to a hospital for the reception of the lunatics of the local authority for which the contracting committee is acting (hereinafter called a reception contract) shall not be made for more than five years, but such contract may be renewed subject to the provisions of this section.

(4.) Where a reception contract has been made, whether before or after the passing of this Act, on behalf of a borough with the

visiting committee of an asylum, and the contract is determinable by the parties thereto, or either of them, the contract shall not be determined without the consent of a Secretary of State.

(5.) A reception contract shall not be carried into effect until approved by a Secretary of State, and any reception contract may be determined by a Secretary of State.

(6.) A reception contract with the manager of a licensed house shall determine if the house ceases to be licensed.

(7.) A reception contract shall not exempt the local authority for which the contracting committee is acting from the requirements of this Act as regards asylum accommodation if a Secretary of State determines the contract, although the term for which the contract was entered into has not expired.

(8.) Except as in this section provided a visiting committee shall not after the commencement of this Act enter into a reception contract with subscribers to a hospital.

(9.) Where a reception contract has been made by a visiting committee, the local authority for whom the visiting committee acts shall, while the contract subsists, defray out of the county or borough fund so much of the weekly charge agreed upon for each pauper lunatic as in the opinion of the visiting committee represents the sum due for the accommodation, not exceeding one-fourth of the entire weekly charge, in exoneration to that extent of the union to which the maintenance of any such pauper lunatic is chargeable.

(10.) Where a reception contract has been entered into by the visiting committee of an asylum with the subscribers to a hospital or the manager of a licensed house, the hospital or house may be visited by any members for the time being of the committee of the asylum.

Cases where asylum is more than sufficient for pauper lunatics.

**270.**—(1.) Where it appears to the visiting committee of an asylum that the asylum is more than sufficient for the pauper lunatics who for the time being can be lawfully received, the committee may by resolution permit any other pauper lunatics to be received into the asylum.

(2.) A resolution under this section may require that no pauper lunatic be admitted thereunder without an undertaking by the minute of the guardians of the union to which the lunatic is chargeable for the payment of the expenses of maintenance of the lunatic, and of his burial if he dies in the asylum, as well as for his removal within six days after notice from the manager of the asylum.

(3.) A resolution under this section may be rescinded or varied.

*Admission of Private Patients.*

Provisions as to private patients in asylums.

**271.**—(1.) Private patients may be received into any asylum upon such terms as to payment and accommodation as the visiting committee think fit. All enactments as to the conditions on which such lunatics may be received into hospitals or licensed houses shall be applicable to private patients received into such asylums.

(2.) An account of the amount, by which the sums charged for private patients received in the asylum exceed the weekly charges for pauper lunatics sent from or settled in any place, parish, or borough which has contributed to provide the asylum, shall be made up to the last day of each year, and the surplus, if any, after carrying to the building and repair funds such sums, and providing for such outgoings and expenses as the visiting committee consider proper, shall be paid to the treasurer of the local authority to which the asylum belongs, or in the case of an asylum belonging to several local authorities, to their respective treasurers in the proportions in which such local authorities or the justices of the counties and boroughs whose powers have been transferred to them have contributed to the asylum, and shall be applied as part of the county or borough fund.

*Approval of Secretary of State.*

**272.** For the purpose of procuring the approval of a Secretary of State to any agreement, contract, or plan requiring approval under this Act, the agreement, contract, or plan, with an estimate of the probable cost of carrying it into effect, shall be submitted to the Commissioners, and to the Secretary of State, and the Commissioners shall make such inquiries as they think fit, and shall report thereon to the Secretary of State, who may approve the agreement, contract, or plan, with or without modification, or may refuse his approval.

Mode of obtaining approval of Secretary of State.

*Provisions for raising Expenses.*

**273.** The expenses to be paid and contributed by a local authority for the purposes of this Act shall be paid by the treasurer of the local authority out of the county or borough fund as the case may be to the treasurer of the asylum to which such local authority either alone or jointly pays or contributes.

Payment of expenses.

*Borrowing Powers.*

**274.**—(1.) For the purpose of paying any money payable under this Act, or for repaying any moneys borrowed under this Act or any former Act, authorising borrowing for purposes of asylum accommodation, the local authority may with the consent of the Local Government Board, and subject to the provisions of the Local Government Act, 1888, and the Municipal Corporations Act, 1882, according as the same respectively are applicable to the local authority, borrow on the security of the county or borough fund, and of any revenue of the local authority, or on either such fund or revenues or on any part of the revenues, such money as the local authority requires.

Power to borrow.

51 & 52 Vict. c. 41.
45 & 46 Vict. c. 50.

(2.) The Public Works Loan Commissioners may, if they see fit, make any loan for the purposes of this Act to the local authority upon the security of any fund or revenues applicable to the purposes of this Act.

*Rules and Regulations.*

General rules and regulations to be framed.

**275.**—(1) The visiting committee of an asylum shall within twelve months after the completion of the asylum prepare and submit to a Secretary of State general rules for the government of the asylum, and such rules when approved by a Secretary of State shall be printed and observed

(2) The general rules of every asylum may be altered and varied with the approval of a Secretary of State.

(3) The visiting committee shall also make regulations (not inconsistent with the general rules) setting forth the number and description of officers and servants and their respective duties and salaries.

(4) The regulations may provide that any number of beds in such part of the asylum as the committee think fit shall be reserved for the cases specified in the regulations, and in that case the asylum shall for the purposes of this Act, as respects the admission of cases not within the class for which beds are reserved, be deemed full when there are no vacant beds except those so reserved, but the committee may, if they think fit, fill any reserved beds.

(5.) The regulations may also provide for the exclusion of any persons afflicted with any malady which the visiting committee deem contagious or infectious or coming from a place in which such a malady may be prevalent, and for the absence for a period not exceeding four days of a patient from the asylum by permission of the manager

(6.) The committee shall also determine the diet of the patients.

*Officers of Asylums.*

Officers of asylums.

**276.**—(1.) The visiting committee of every asylum shall appoint:—

(*a.*) A chaplain, who shall be in priest's orders, and shall be licensed by the bishop of the diocese;

(*b.*) A medical officer, who shall reside in the asylum and shall not be the clerk or treasurer of the asylum;

(*c.*) A superintendent of the asylum, or, if there is more than one division, a superintendent of each division of the asylum, who shall be the resident medical officer or one of the resident medical officers of the asylum, or of the division of which he is appointed superintendent, unless a Secretary of State authorise the committee to appoint some other person than a medical officer to be superintendent;

(*d.*) A clerk;

(*e.*) A treasurer;

(*f.*) Such other officers and servants as they think fit.

(2.) The visiting committee may appoint a minister of any religious persuasion to attend patients of the religious persuasion to which the minister belongs.

(3.) The committee may remove any person appointed under this section, and if the office of chaplain, medical officer, superintendent, clerk, or treasurer becomes vacant, the committee shall appoint a person to fill the vacancy subject to the restrictions affecting the

original appointment, and they may in their discretion fill any vacancies among other officers and servants of the asylum.

(4.) The committee may also appoint a visiting physician or surgeon to the asylum.

(5.) The salaries, wages, and remuneration of every person appointed under this section shall be fixed by the committee.

**277.**—(1.) The licence of the chaplain of an asylum shall be revocable by the bishop.

The chaplain.

(2.) The chaplain, or his substitute approved by the committee, shall perform in the chapel of the asylum, or in some other convenient place belonging to the asylum, divine service according to the rites of the Church of England on every Sunday, Christmas-day, and Good-Friday. He shall also perform divine service, and such other services according to the rites of the Church of England as the committee direct, at such times as they appoint.

(3.) If a patient is of a religious persuasion differing from that of the established Church, a minister of his persuasion, at the request of the patient or his friends, may, with the consent of the medical officer and under such regulations as he approves, visit the patient.

Books and accounts.

**278.**—(1.) The clerk of the asylum shall keep all books and documents which the visiting committee are required to keep or direct to be kept.

(2.) He shall also keep an account of the receipts and expenditure on account of the asylum.

(3.) Before the thirtieth day of September in each year, or such other date as the Local Government Board appoint, he shall send an abstract of the account for the previous year, ending on the thirty-first day of March, or such other date as the Local Government Board appoint, to the Local Government Board, and to the Commissioners.

(4.) The abstract shall contain such particulars and be in such form as the Local Government Board direct.

(5.) Within one month from the receipt of the abstract a copy thereof shall be laid before both Houses of Parliament, if Parliament is then sitting, and if not, within one month from the commencement of the next session.

(6.) The treasurer and every officer of an asylum who receives or expends money or goods on account of the asylum shall keep accounts of his receipts and expenditure.

(7.) This section shall not affect any order made by the Local Government Board before the commencement of this Act.

Accounts of county asylums.

**279.** The accounts of every asylum belonging wholly or in part to a county council and of the visiting committee and officers thereof shall be subject to the provisions of the Local Government Act, 1888, relating to the accounts of county councils.

*Pensions.*

Pensions to officers.

**280.**—(1.) The visiting committee may grant to any superintendent, chaplain, matron, or other officer or servant of the asylum, who is incapacitated by confirmed illness, age, or infirmity, or who

has been an officer or servant in the asylum for not less than fifteen years and is not less than fifty years old, such superannuation allowance as the committee think fit.

(2.) Where the offices of superintendent and matron are held by man and wife, and a superannuation allowance has been granted to the superintendent, the committee may, if the matron has been an officer of the asylum for not less than twenty years, grant her such superannuation allowance as they think fit, although she is not incapacitated by illness, age, or infirmity: Provided that, if any such matron is appointed to a public office or to any office under this Act in respect of which she receives a salary, her superannuation allowance shall, so long as she receives such salary, be suspended or diminished by the amount of the salary according as the salary is or is not greater than the allowance.

(3.) A superannuation allowance shall not exceed two-thirds of the salary paid to the superannuated person at the date of superannuation and such further sum (if any) as the visitors think fit to grant, having regard to the value of the lodgings, rations, and other allowances enjoyed by the superannuated person.

Mode in which pension to be granted.

**281.**—(1.) A superannuation allowance shall not be granted unless seven clear days' notice of the meeting at which the same is to be granted, and of the intention to determine thereat the question of such grant, has been given, nor unless three visitors concur in and sign the order granting the same.

(2.) A superannuation allowance granted under this Act shall be paid out of the county or borough fund as the case may be.

(3.) A superannuation allowance payable out of the county fund shall not be paid until the grant thereof has been confirmed by the county council.

Service in several asylums of the same local authority.

**282.** When any officer is transferred from one asylum to another, wholly or in part belonging to the same local authority, his service in all such asylums shall be counted for the purpose of computing his pension, superannuation allowance, or gratuity for length of service, as if all such asylums had constituted only one asylum.

## PART X.

### EXPENSES OF PAUPER LUNATICS.

#### *Weekly Expenses.*

Weekly sum to be fixed.

**283.**—(1.) Every visiting committee shall fix a weekly sum, not exceeding fourteen shillings, for the expenses of maintenance and other expenses of each pauper lunatic in the asylum, and of such amount that the total of such weekly sums shall be sufficient to defray such expenses and also the salaries of the officers and attendants of the asylum, and such weekly sum may from time to time be altered.

(2.) If fourteen shillings a week is found insufficient for the purposes aforesaid, the local authority to whom the asylum belongs, may by order direct such addition to be made to the weekly sum as to the local authority seems necessary, and every

such order shall be signed by the clerk of the local authority, and forthwith published in a local newspaper.

(3.) A committee may fix a greater weekly sum, not exceeding fourteen shillings, to be charged in respect of pauper lunatics other than those sent from or settled in a parish or place within the county or borough to which the asylum belongs.

(4.) Any excess created by the payment of such greater weekly sum may, if the visiting committee think fit, be paid over to a building and repair fund, to be applied by the committee to the altering, repairing, or improving the asylum, and the committee shall annually submit to the local authority a detailed statement of the manner in which such fund has been expended.

**Uniform charge where more than one asylum.**

**284.** Where there is more than one asylum under the management and control of a visiting committee, the committee may, subject to any direction given by the local authority, provide that a uniform charge shall be made for the maintenance of lunatics in the several asylums, and that for that purpose any surplus arising on the accounts of one asylum shall be applied to meet the deficit arising on the accounts of another asylum.

*Medical Fees and other Expenses.*

**Payment of medical fees and other expenses.**

**285.**—(1.) Whenever a justice directs a lunatic or alleged lunatic, whether a pauper or not, to be examined by a medical practitioner under the provisions of this Act, the justice directing the examination, or any other justice having jurisdiction in the place where the examination took place, may make an order upon the guardians of the union named in the order for payment of such reasonable remuneration to the medical practitioner and of all such other reasonable expenses in and about the examination and the inquiry, whether an order for the reception of the alleged lunatic in an institution for lunatics or workhouse ought to be made, and also if an order is made for payment of such reasonable expenses of carrying the order into effect as the justice thinks proper.

(2.) The guardians upon whom an order is made under this section may recover any sums paid thereunder against the lunatic or alleged lunatic and his estate, and the person or authority legally liable for his maintenance as in the case of orders for maintenance under this Act.

*Liability for Expenses of Maintenance.*

**Chargeability of pauper lunatic.**

**286.**—(1.) Where a pauper lunatic is sent to an institution for lunatics, or where a lunatic in an institution for lunatics becomes a pauper, he shall be deemed to be chargeable to the union from which he was sent, until it has been established, as by this Act provided, that the lunatic is settled in some other union, or that it cannot be ascertained in what union the lunatic was settled, and the manager of the institution shall forthwith give to the authority liable for his maintenance notice that the lunatic has become destitute.

(2.) Every pauper lunatic who is chargeable to a union shall, while he resides in an institution for lunatics, be deemed for the purposes of his settlement to be resident in the union to which he is chargeable.

Orders for maintenance of lunatics.

**287.**—(1.) The justice by whom any pauper lunatic is sent to any institution for lunatics under this Act, or any two justices of the county or borough in which the institution for lunatics where any pauper lunatic is confined is situate, or from any part of which any pauper lunatic has been sent, or any two justices, being visitors of such institution, may make an order upon the guardians of the union to which the lunatic is chargeable, for payment to the treasurer, or manager of the institution, of the reasonable charges of the lodging, maintenance, medicine, clothing, and care (in this Act referred to as the expenses of maintenance) of such lunatic.

(2.) Any such order may be retrospective or prospective, or partly retrospective and partly prospective.

(3.) An order under this section shall not be subject to appeal.

Inquiry into settlement.

**288.** Any two justices for the county or borough in which an institution for lunatics where a pauper lunatic is or has been confined is situate, or to which such institution being an asylum wholly or in part belongs, or from any part of which any pauper lunatic is or has been sent for confinement, may, at any time, inquire into the settlement of the pauper lunatic.

Adjudication as to settlement.

**289.** If satisfactory evidence can be obtained as to such settlement in any union, such justices shall, by order, adjudge the settlement, and order the guardians of the union to pay to the guardians of any other union the expenses incurred in or about the examination of the lunatic and the bringing him before a justice or justices, and his removal and conveyance to or from any institution for lunatics (in this Act referred to as the incidental expenses), and all moneys paid by such last-mentioned guardians to the treasurer or manager of the institution for the expenses of maintenance of the lunatic, and incurred within twelve months previous to the date of such order, and, if the lunatic is still in confinement, also to pay to the treasurer or manager of the institution the reasonable expenses of the future maintenance of such lunatic.

If settlement cannot be ascertained a pauper lunatic may be made chargeable to a borough or county.

**290.**—(1.) If a pauper lunatic is not settled in the union from which he was sent to an institution for lunatics, and his settlement cannot be ascertained, and the lunatic was sent from a quarter sessions borough which is free from contributing to the payment of the expenses of pauper lunatics chargeable to the county in which the borough is situate, or from a place not in such a borough, then the relieving officer of the union shall give to the clerk of the local authority within whose area the lunatic is found, ten days' notice to appear before two justices having jurisdiction within such area, at a time and place to be appointed in the notice.

(2.) Upon the appearance of the clerk of the local authority, in person or by deputy, or in case of non-appearance upon proof of due service of the notice, any two or more such justices may inquire into the circumstances of the case, and adjudge the pauper

lunatic to be chargeable to the local authority, and may order the treasurer of the local authority to pay to the guardians of any union the incidental expenses of the lunatic, and all moneys paid by such guardians to the treasurer or manager of the institution for lunatics for the expenses of maintenance of the lunatic, and incurred within twelve months previous to the date of the order, and if the lunatic is still in confinement, to pay to such treasurer or manager the expenses of the future maintenance of the lunatic.

(3.) Such justices may direct such further inquiries as they think fit to ascertain the union in which any pauper lunatic is settled, and delay their adjudication until after such further inquiries.

(4.) Every local authority to whom a pauper lunatic is adjudged to be chargeable may at any time thereafter inquire as to the union in which the lunatic is settled, and may procure him to be adjudged to be settled in any union.

Provision for reimbursement of expenses of a lunatic afterwards adjudged to be settled in a union.

**291.** If after a pauper lunatic has been sent to an institution for lunatics, and has been adjudged chargeable to a local authority, the local authority procure the lunatic to be adjudged to be settled in a union, any two justices of the county or borough in which the institution where the lunatic is confined is situate, or from any part of which the lunatic was sent for confinement, or any two justices, being visitors of the institution, may make an order upon the guardians of the union for payment to the treasurer of the local authority of all expenses of maintenance of the lunatic paid by such treasurer to the treasurer or manager of the institution, and incurred within twelve months previous to the order, and, if the lunatic is still in confinement, also for payment to such treasurer or manager of the expenses of the future maintenance of the lunatic.

Orders as to lunatic paupers.

**292.**—(1.) Justices by this Act authorised to make orders for payment of expenses upon guardians of unions, may make such orders, although the union is not within the jurisdiction of the justices.

(2.) Orders as to the settlement or chargeability of pauper lunatics and for payment of expenses may be obtained by the guardians of any union.

Order for maintenance to extend to any place where the lunatic is.

**293.** An order for payment of the future expenses of maintenance of a lunatic shall extend to the payment of such expenses to the treasurer or manager of any institution for lunatics to which he is removed or in which he is for the time being confined.

The costs of pauper lunatics who are irremoveable.

9 & 10 Vict. c. 66.

**294.** All incidental expenses and expenses of maintenance of a lunatic removed to an institution for lunatics who would at the time of his removal have been exempt from removal to the parish of his settlement or the country of his birth by reason of some provision of the Poor Removal Act, 1846, as amended by subsequent Acts, shall be paid by the guardians of the union wherein the lunatic has acquired such exemption, and no order shall be made in respect of such lunatic under any provision contained in this or any other Act upon the guardians of the union

in which the lunatic is settled while the above-mentioned expenses are to be paid and charged as herein provided.

Charges may be paid without orders of justices.

**295.** The guardians upon whom an order might be made under this Act for the payment of any money may pay the same without an order, and may charge the same to such account as they could have done if an order had been made.

The liability of relations of pauper not to be affected.

**296.** The liability of any relation or person to maintain any lunatic shall not be taken away or affected, where such lunatic is sent to or confined in any institution for lunatics, by any provision herein contained concerning the maintenance of such lunatic.

Expenses of removal, discharge, and burial.

**297.** The necessary expenses attending the removal, discharge, or burial of a pauper lunatic in any institution for lunatics, shall be borne by the union to which the lunatic is chargeable, or the local authority liable for his maintenance, and shall be paid by the guardians of the union or by the treasurer of the local authority.

Provisions of Act as to expenses to extend to pauper lunatics sent to asylums under any other Act.

**298.** The provisions of this Act for the payment of expenses in relation to pauper lunatics shall be applicable with respect to persons confined as pauper lunatics sent to any institution for lunatics under any other Act authorising their reception therein as pauper lunatics, and (save as herein otherwise provided concerning any lunatic who shall appear to have any real or personal property applicable to his maintenance) with respect to all other lunatics sent to any institution for lunatics under any order of a justice or justices made before the commencement of this Act, or under a summary reception order made by a justice under this Act, or under an order made by two or more commissioners before or after the commencement of this Act, as if such last-mentioned lunatics were at the time of being so sent actually chargeable to the union from which they are sent.

*Application of Lunatic's Property.*

Power to recover expenses against lunatic's estate.

**299.**—(1.) If it appears to any justice that a lunatic, chargeable to any union, or local authority, has any real or personal property more than sufficient to maintain his family, if any, such justice may by order direct a relieving officer of the union, or the treasurer or some other officer of the local authority, to seize so much of any money, and to seize and sell so much of any other personal property of the lunatic, and to receive so much of the rents of any land of the lunatic as the justice may think sufficient to pay the expenses of maintenance and incidental expenses respectively incurred or to be incurred in relation to the lunatic.

(2.) If any trustee, or the Bank, or any other society or person having possession of any property of a lunatic, shall pay or deliver to a relieving officer of a union, or to the treasurer or other officer of the local authority to which respectively a lunatic is chargeable, any money or other property of the lunatic, to repay the charges in this section mentioned, whether pursuant to an order under this section, or without an order, the receipt of such relieving officer, treasurer, or officer shall be a good discharge.

**300.** An order may be made by a judge of county courts upon an application by the guardians of any union for payment of the expenses incurred by them under this Act in relation to a lunatic, and such order may be enforced against any property of the lunatic in the same way as a judgment of the county court.

Order by county court judge.

*Appeals.*

**301.**—(1.) Any person aggrieved by the refusal of an order by any justice or justices as to any matter within the jurisdiction of a justice or justices under this Part of this Act, may appeal to a court of quarter sessions upon giving to the justice or justices against whom the appeal is made fourteen clear days' notice of appeal.

Persons aggrieved by refusal of an order may appeal to the sessions.

(2.) The determination of the court upon the appeal shall be final.

**302.** The guardians of any union, and the clerk of a local authority, obtaining any order under this Act adjudging the settlement of any lunatic to be in any union, shall, within a reasonable time after the date of the order, send or deliver, by post or otherwise, to the guardians of the union in which the lunatic is adjudged to be settled, a copy of the order, and also a statement in writing under the hand of the clerk to the guardians, or under the hand of the clerk of the local authority, as the case may be, stating the description and address of the guardians or clerk obtaining the order, and the place of confinement of the lunatic, and setting forth the grounds of the adjudication, including the particulars of any settlement relied upon in support thereof; and on the hearing of any appeal against the order the respondents shall not give evidence of any other grounds in support of the order than those set forth in such statement.

Party obtaining order of adjudication to send copy thereof and statement of grounds.

**303.** If the guardians of any union feel aggrieved by any order adjudging the settlement of a lunatic, they may appeal to the quarter sessions for the county or borough on behalf of which the order has been obtained, or in which the union obtaining the order is situate, or, in case such union extends into several counties, then to the next quarter sessions for the county or borough in which the institution for lunatics where the lunatic is or has been confined is situate, and such sessions, upon hearing the appeal, shall have full power finally to determine the matter.

Appeal against order of adjudication.

**304.**—(1.) The clerk to the justices making an order adjudging the settlement of a lunatic, or the clerk of the peace in the case herein-after provided for, shall keep the depositions upon which the order was made, and shall, within seven days after application by any party authorised to appeal against the order, furnish a copy of the depositions to the applicant.

Copy of depositions to be furnished on application.

(2.) The person applying for a copy of the depositions shall pay for the same at the rate of twopence for every folio of seventy-two words.

(3.) No omission or delay in furnishing a copy of the depositions shall be a ground of appeal against the order.

(4.) On the trial of any appeal no such order shall be quashed or set aside either wholly or in part on the ground that the depositions

do not furnish sufficient evidence to support, or that any matter therein contained or omitted raises an objection to the order or grounds on which the same was made.

(5.) If the justices who make any such order have no clerk, they shall send or deliver the depositions to the clerk of the peace of the county or borough to the quarter sessions whereof the appeal lies, and the party obtaining such order shall, in the statement of the grounds of adjudication, state that the justices have no clerk.

No appeal if notice not given within a certain time.

**305.** No appeal shall be allowed against any such order if notice in writing of the appeal is not sent or delivered by post or otherwise to the party on whose application the order was obtained within twenty-one days after the sending or delivery, as hereinbefore directed, of a copy of the order, and such statement as hereinbefore mentioned, unless within the twenty-one days a copy of the depositions has been applied for by the party intending to appeal, in which case a further period of fourteen days after the sending of such copy shall be allowed for giving notice of appeal.

Grounds of appeal to be stated.

**306.** In every case where notice of appeal against such order is given the appellant shall, with the notice, or fourteen days at least before the first day of the sessions at which the appeal is to be tried, send or deliver by post or otherwise to the respondent a statement in writing under his hand, or where the appellants are the guardians of a union, under the hand of the clerk to the guardians, of the grounds of such appeal, and the appellant shall not, on the hearing of any appeal, give evidence of any other grounds of appeal than those set forth in such statement.

As to the sufficiency of statement of grounds of adjudication or appeal.

**307.**—(1.) Upon the hearing of any appeal against any such order no objection whatever on account of any defect in the form of setting forth any ground of adjudication or appeal in any such statement shall be allowed, and no objection to the reception of legal evidence offered in support of any such ground alleged to be set forth in any such statement shall prevail, unless the court is of opinion that such alleged ground is so imperfectly or incorrectly set forth as to be insufficient to enable the party receiving the same to inquire into the subject of such statement, and to prepare for trial

(2.) In all cases where the court is of opinion that any such objection to such statement or to the reception of evidence ought to prevail, the court may, if it thinks fit, cause any such statement to be forthwith amended by some officer of the court, or otherwise, on such terms as to payment of costs to the other party, or postponing the trial to another day in the same sessions, or to the next subsequent sessions, or both payment of costs and postponement, as to the court appears just.

Power for court to amend order on account of omission or mistake.

**308.**—(1.) If, upon the trial of any appeal against any such order, or upon the return to a writ of certiorari, any objection is made on account of any omission or mistake in drawing up the order, and it is shown to the satisfaction of the court that sufficient grounds were proved before the justices making the order to authorise the drawing up thereof free from the omission or mistake, the court may, upon such terms as to payment of costs as it thinks

fit, amend the order and give judgment as if no omission or mistake had existed.

(2.) No objection on account of any omission or mistake in any such order brought up upon a return to a writ of certiorari shall be allowed, unless the omission or mistake has been specified in the rule for issuing such writ of certiorari.

**309.**—(1.) Upon every such appeal the court before whom the same is brought may, if it thinks fit, order the party against whom the same is decided to pay to the other such costs and charges as may to the court appear just, and shall certify the amount thereof. **Power of court as to costs.**

(2.) If either of the parties to the appeal have included in the statement of grounds of adjudication or of appeal sent to the opposite party any grounds in support of the order or of appeal which, in the opinion of the court determining the appeal, are frivolous and vexatious, such party shall be liable, at the discretion of the court, to pay the whole or any part of the costs incurred by the other party in disputing any such grounds.

**310.** The decision of the court upon the hearing of any appeal against any such order, as well upon the sufficiency and effect of the statement of the grounds in support of the order and appeal, and of the copy or duplicate of the order sent to the appellant, as upon the amending or refusing to amend the order as aforesaid, or the statement of grounds, shall be final, and shall not be liable to be reviewed in any court by means of a writ of certiorari or mandamus or otherwise. **Decision upon appeal to be final.**

**311.**—(1.) In any case in which an order has been made as aforesaid, and a copy thereof sent as herein required, the party who has obtained the order, whether any notice of appeal against the order has been given or not, and whether any appeal has been entered or not, may abandon the order, by notice in writing under the hand of such party, or, where the order has been obtained by the guardians of a union, under the hand of the clerk to the guardians, to be sent by post or delivered to the appellant or the party entitled to appeal, and thereupon the order and all proceedings consequent thereon shall be void, and shall not be given in evidence, in case any other order for the same purposes is obtained. **Abandonment of orders.**

(2.) In all cases of such abandonment the party abandoning shall pay to the appellant or the party entitled to appeal the costs which he has incurred by reason of the order and of all subsequent proceedings thereon.

(3.) The proper officer of the court before whom the appeal (if it had not been abandoned) might have been brought shall, upon application, tax and ascertain the costs, at any time, whether the court is sitting or not, upon production to him of the notice of abandonment, and upon proof to him that such reasonable notice of taxation, together with a copy of the bill of costs, has been given to the guardians, or clerk abandoning the order, as the distance between the parties shall in his judgment require; and thereupon the sum allowed for costs, including the usual costs of taxation, which such officer is hereby empowered to charge and

receive, shall be endorsed upon the said notice of abandonment, and the said notice so endorsed shall be filed among the records of the said court.

Guardians and officers interested to have access to the lunatic.

**312.** In every case of an inquiry, or appeal as to the union in which a pauper lunatic is settled, the guardians, clerks of the guardians, and relieving officers of every union interested in the inquiry or appeal, and every person duly authorised by them respectively, and the clerk of the local authority interested in the inquiry or appeal, and every person duly authorised by him, shall at all reasonable times be allowed free access, in the presence of the medical attendant, to the lunatic to examine him as to the premises.

Sec. 31 of 42 & 43 Vict. c. 49. not to apply.

**313.** The provisions of section thirty-one of the Summary Jurisdiction Act, 1879, shall not apply to appeals under this part of this Act.

*Recovery of Expenses.*

Money ordered to be paid may be recovered by distress or action.

**314.**—(1.) If the treasurer of any local authority, upon whom any order of justices for the payment of money under the provisions of this Act is made, refuses or neglects for twenty days after due notice of such order to pay the money, the money, together with the expenses of recovering the same, shall be recovered by distress and sale of the goods of the treasurer so refusing or neglecting, by warrant under the hands of any two justices authorised to make the order for payment of the money, or by an action at law, of by any other proceeding in a court of competent jurisdiction, against the treasurer.

(2.) If the guardians upon whom any such order is made refuse or neglect for such time as aforesaid to pay the money, the same, together with the expenses of recovering the same, may be recovered by an action at law or by any other proceeding in any such court.

(3.) In case of any such action or proceeding no objection shall be taken to any default or want of form in any order for reception or maintenance, or in any certificate or adjudication under this Act, if such order or adjudication has not been appealed against, or if appealed against has been affirmed.

## PART XI.

### PENALTIES, MISDEMEANORS, AND PROCEEDINGS.

Lunatics not to be detained except in accordance with Act.

**315.**—(1.) Every person who, except under the provisions of this Act, receives or detains a lunatic, or alleged lunatic, in an institution for lunatics, or for payment takes charge of, receives to board or lodge, or detains a lunatic or alleged lunatic in an unlicensed house, shall be guilty of a misdemeanor, and in the latter case shall also be liable to a penalty not exceeding fifty pounds.

(2.) Except under the provisions of this Act, it shall not be lawful for any person to receive or detain two or more lunatics in any house unless the house is an institution for lunatics or workhouse.

(3.) Any person who receives or detains two or more lunatics in any house, except as aforesaid, shall be guilty of a misdemeanor.

**316.** The manager of any hospital or licensed house, and any person having charge of a single patient who omits to send to the Commissioners the prescribed documents and information upon the admission of a patient, or to make the prescribed entries, and give the prescribed notices upon the removal, discharge, or death of a patient, shall be guilty of a misdemeanor, and in the case of a single patient shall also be liable to a penalty not exceeding fifty pounds.

Neglect to send notices on admission a misdemeanor.

**317.**—(1.) Any person who makes a wilful misstatement of any material fact in any petition, statement of particulars, or reception order under this Act, shall be guilty of a misdemeanor.

Mis-statements.

(2.) Any person who makes a wilful misstatement of any material fact in any medical or other certificate, or in any statement or report of bodily or mental condition under this Act, shall be guilty of a misdemeanor

(3.) A prosecution for a misdemeanor under this section shall not take place except by order of the Commissioners, or by the direction of the Attorney-General or the Director of Public Prosecutions.

**318.** Any person who in any book, statement, or return, knowingly makes any false entry as to any matter as to which he is by this Act or any rules made under this Act required to make any entry, shall be guilty of a misdemeanor.

False entries.

**319.** If the manager of an institution for lunatics, or the person having charge of a single patient, omits to send to the coroner notice of the death of a lunatic within the prescribed time, he shall be guilty of a misdemeanor.

Notice to coroner of death.

**320.** Any person who makes default in sending to the Commissioners or any other person any return, report, extract, copy, statement, notice, plan, or document, or any information within his knowledge or obtainable by him, when required so to do under this Act or any other Act relating to lunacy, or any rules made under this Act or in complying with the said Acts or rules, shall for each day or part of a day during which the default continues be liable to a penalty not exceeding ten pounds, unless a penalty is expressly imposed by this or any other Act for such default: Provided that all or any part of the cumulative penalties may be remitted by the court in any case in which it is made to appear to the satisfaction of the court that the original default or its continuance during any period of time arose from mere accident or oversight, and not from wilful or culpable neglect on the part of the person sued.

Penalty for non-compliance with the Act and rules

**321.**—(1.) Any person who obstructs any Commissioner or Chancery or other visitor in the exercise of the powers conferred by this or any other Act, shall for each offence be liable to a penalty not exceeding fifty pounds, and shall also be guilty of a misdemeanor.

Obstruction.

(2.) Any person who wilfully obstructs any other person authorised under this Act by an order in writing under the hand of the

Lord Chancellor or a Secretary of State to visit and examine any lunatic or supposed lunatic, or to inspect or inquire into the state of any institution for lunatics, gaol, or place wherein any lunatic or person represented to be lunatic is confined or alleged to be confined, in the execution of such order, and any person who wilfully obstructs any person authorised under this Act by any order of the Commissioners to make any visit and examination or inquiry in the execution of such order, shall (without prejudice to any proceedings, and in addition to any punishment to which such person obstructing the execution of such order would otherwise be subject,) be liable for every such offence to a penalty not exceeding twenty pounds.

Ill treatment.

**322.** If any manager, officer, nurse, attendant, servant, or other person employed in an institution for lunatics or any person having charge of a lunatic, whether by reason of any contract, or of any tie of relationship, or marriage, or otherwise, illtreats or wilfully neglects a patient, he shall be guilty of a misdemeanor, and, on conviction on indictment, shall be liable to fine or imprisonment, or to both fine and imprisonment at the discretion of the court, or be liable on summary conviction for every offence to a penalty not exceeding twenty pounds nor less than two pounds.

Penalties for permitting escape and for rescue.

**323.** If any manager, officer, or servant of an institution for lunatics wilfully permits, or assists, or connives at the escape or attempted escape of a patient, or secretes a patient, he shall for every offence be liable to a penalty not exceeding twenty pounds nor less than two pounds.

Abuse of female lunatic.

**324.** If any manager, officer, nurse, attendant, or other person employed in any institution for lunatics (including an asylum for criminal lunatics), or workhouse, or any person having the care or charge of any single patient, or any attendant of any single patient, carnally knows or attempts to have carnal knowledge of any female under care or treatment as a lunatic in the institution, or workhouse, or as a single patient, he shall be guilty of a misdemeanor, and, on conviction on indictment, shall be liable to be imprisoned with or without hard labour for any term not exceeding two years; and no consent or alleged consent of such female thereto shall be any defence to an indictment or prosecution for such offence.

By whom proceedings to be taken

**325.**—(1.) Except as by this Act otherwise provided, proceedings against any person for offences against this Act may be taken—

(*a.*) By the secretary of the Commissioners upon their order for any offence;

(*b.*) By the clerk of the visitors of any licensed house for an offence committed within their jurisdiction;

(*c.*) By the clerk of the visiting committee of an asylum for any offence by any person employed therein;

and such proceedings shall not abate by the death or removal of the prosecuting secretary or clerk, but the same may be continued by his successor, and in any such proceedings the prosecuting secretary or clerk shall be competent to be a witness.

(2.) Except as by this Act otherwise provided, it shall not be lawful to take such proceedings except by order of the Commissioners, or of visitors having jurisdiction in the place where the offence was committed, or with the consent of the Attorney-General or Solicitor-General.

**Recovery and application of penalties.**

**326.** All penalties enforceable under this Act shall be recovered summarily according to the provisions of the Summary Jurisdiction Acts, and shall be paid—

*a.* When recovered by the secretary of the Commissioners, to such secretary;

*b.* When recovered by the clerk of the visitors of a licensed house, to the clerk of the peace for the county or borough, to be applied in the same way as money received for licences granted by the justices of the county or borough;

*c.* When recovered by a clerk of the visiting committee of an asylum, to the treasurer of the asylum for the purposes thereof;

*d.* In all other cases to the treasurer of the county or borough for which the convicting justices acted.

**Appeals.**

**327.** Any person aggrieved by an order of justices under this Act, other than orders adjudicating as to the settlement of a lunatic pauper and providing for his maintenance, may appeal to a court of quarter sessions, subject to the conditions and regulations of the Summary Jurisdiction Acts.

**Secretary of State may direct prosecution.**

**328.** A Secretary of State on the report of the Commissioners or visitors of any institution for lunatics may direct the Attorney-General to prosecute on the part of the Crown any person alleged to have committed a misdemeanor under this Act.

**Evidence upon prosecution.**

**329.**—(1.) Where any person is proceeded against under this Act on a charge of omitting to transmit or send any copy, list, notice, statement, report or other document required to be transmitted or sent by such person, the burden of proof that the same was transmitted or sent within the time required shall lie upon such person; but if he proves by the testimony of one witness upon oath that the copy, list, notice, statement, report or document in respect of which the proceeding is taken was properly addressed and put into the post in due time, or (in case of documents required to be sent to the Commissioners or a clerk of the peace or a clerk to guardians) left at the office of the Commissioners or of the clerk of the peace or clerk to guardians, such proof shall be a bar to all further proceedings in respect of such charge.

(2.) In proceedings under this Act, where a question arises whether a house is or is not a licensed house or registered as a hospital, it shall be presumed not to be so licensed or registered unless the licence or certificate of registration is produced, or sufficient evidence is given that a licence or certificate is in force.

**Protection to persons putting the Act in force.**

**330.**—(1.) A person who before the passing of this Act has signed or carried out or done any act with a view to sign or carry out

an order purporting to be a reception order, or a medical certificate that a person is of unsound mind, and a person who after the passing of this Act presents a petition for any such order, or signs or carries out or does any act with a view to sign or carry out an order purporting to be a reception order, or any report or certificate purporting to be a report or certificate under this Act, or does anything in pursuance of this Act, shall not be liable to any civil or criminal proceedings whether on the ground of want of jurisdiction or on any other ground if such person has acted in good faith and with reasonable care.

(2.) If any proceedings are taken against any person for signing or carrying out or doing any act with a view to sign or carry out any such order, report, or certificate, or presenting any such petition as in the preceding sub-section mentioned, or doing anything in pursuance of this Act, such proceedings may, upon summary application to the High Court or a Judge thereof, be stayed upon such terms as to costs and otherwise as the Court or Judge may think fit, if the Court or Judge is satisfied that there is no reasonable ground for alleging want of good faith or reasonable care.

Actions by persons detained as lunatics.

**331.**—(1.) Any action brought by any person who has been detained as a lunatic against any person for anything done under this Act shall be commenced within twelve months next after the release of the party bringing the action, and shall be laid or brought in the county or borough where the cause of action arose, and not elsewhere.

(2.) If the action is brought in any other county or borough or is not commenced within the time limited for bringing the same, judgment shall be given for the defendant.

Commissioners and visitors may summon witnesses.

**332.**—(1.) The Commissioners, or any two of them, and also the visitors of any licensed house, or any two of them, may, as they see occasion, require, by summons, under the common seal of the Commission, if by the Commissioners, and if by two only of the Commissioners or by two visitors, then under the hands and seals of such two Commissioners or two visitors, as the case may be, any person to appear before them to testify on oath touching any matters respecting which such Commissioners and visitors respectively are by this Act authorised to inquire (which oath such Commissioners or visitors are hereby empowered to administer).

Form 22.

(2.) Every person who does not appear pursuant to the summons, or does not assign some reasonable excuse for not appearing, or who appears and refuses to be sworn or examined, shall, on being convicted thereof before a court of summary jurisdiction for every such neglect or refusal be liable to a penalty not exceeding fifty pounds.

(3.) Any two or more Commissioners or visitors may, if they think fit, examine on oath any person appearing before them as a witness, without having been summoned.

(4.) Any Commissioners or visitors who summon a person to appear and give evidence, may direct the secretary of the Commis-

sioners or the clerk of such visitors, as the case may be, to pay to such person all reasonable expenses of his appearance and attendance, the same to be considered as expenses incurred in the execution of this Act, and to be taken into account and paid accordingly.

## PART XII.

### MISCELLANEOUS PROVISIONS, DEFINITIONS, REPEAL.

Indemnity to Bank and others.

**333.** This Act, and every order purporting to be made under this Act, shall be a full indemnity and discharge to the Bank and every other company and society and their respective officers and servants, and all other persons respectively, for all acts and things done or permitted to be done pursuant thereto, or pursuant to the Rules under this Act, so far as relates to any property in which a lunatic is interested either in his own right, or as trustee or mortgagee, and it shall not be necessary to inquire into the propriety of any order purporting to be made under this Act relating to any such property or the jurisdiction to make the same.

Meaning of word commission in other Acts extended.

**334.** Where in any Act of Parliament, order or rule of court, or instrument, reference is made to a commission of lunacy, or the inquisition thereon, the general commission and the inquisition, or certificate operating as an inquisition, and the issue and verdict thereon respectively in this Act mentioned, shall be deemed to be included in the reference.

Pension of lunatic payable by public department.

**335.** When any sum in respect of pay, pension, superannuation, or other allowance, or annuity under the control or management of any public department, is payable to any person, in respect either of service as a civil servant or of military or naval service or of provision for a widow or child of a person employed in civil, military, or naval service, and the person to whom the sum is payable is certified by a justice or minister of religion, and by a medical practitioner, to be unable by reason of mental disability to manage his or her affairs, the public department may pay so much of the said sum as the department may think fit to the institution or person having the care of the disabled person, and may pay the surplus, if any, or such part thereof, as the department may think fit, for or towards the maintenance and benefit of the wife or husband and relatives of the disabled person, and the department shall be discharged from all liability in respect of any sums so paid.

Forms 16, 17.

Reception orders before Act.

**336.** In the case of orders made before the commencement of this Act for the reception of private patients, the person who signed the reception order shall have all the powers and be subject to the obligations by this Act conferred or imposed upon the petitioner for a reception order, and the provisions of this Act relating to persons upon whose petition a reception order was made shall apply in the case of a person who before the commencement of this Act has signed an order for the reception of a private patient, as if the order had been made after the commencement of this Act upon a petition presented by him.

Power to amalgamate the lunacy departments.

**337.**—(1.) The Lord Chancellor may, if it seems expedient to him so to do, by order under his hand, amalgamate the office of the Masters and their staff, and the office of the Chancery Visitors and their staff, and may amalgamate such offices, or either of them, with the office of the Commissioners, and may give such directions as he may think fit for the reconstitution of the Commissioners, and for the exercise and performance of the powers and duties of the Commissioners, and of the officers and staff amalgamated respectively under any order under this section

(2.) In the event of any such amalgamation, the Lord Chancellor may, with the concurrence of the Treasury, fix the qualifications and salaries of the members of the amalgamated office and of the staff attached thereto, and may, with such concurrence, increase or diminish the number of such members and staff.

(3.) An order under this section shall not be made so as to prejudice the rights of the Masters, Visitors, and Commissioners respectively holding office at the passing of this Act.

(4.) The Lord Chancellor may by order direct that such proportion as he may consider reasonable of the expenses incurred in carrying any such amalgamation into effect, including the cost of providing office accommodation, shall be paid out of the per-centage charged on the incomes of lunatics.

Power to make rules.

**338.**—(1.) It shall be lawful for the Commissioners, with the approval of the Lord Chancellor, by rules, to prescribe the books to be kept in institutions for lunatics and houses for single patients, and the entries to be made therein, and the returns, reports, extracts, copies, statements, notices, plans, documents, and information to be sent to the Commissioners or any authority or person, and the persons by whom, the times within which, and the manner in which, such entries, returns, reports, extracts, copies, statements, notices, plans, documents, and information are to be made and sent; and also by rules to prescribe forms for the purposes aforesaid in addition to or in substitution for any forms now in use.

(2.) Subject to the preceding sub-section, the Lord Chancellor may make rules in lunacy for carrying this or any other Act relating to lunacy into effect, and also for regulating costs in relation thereto.

(3.) Where by any Act already passed or hereafter to be passed any application in lunacy is directed or authorised to be made by petition, or in any other specified manner, the Lord Chancellor may by rule direct in what manner the application is to be made.

(4.) The Lord Chancellor and a Secretary of State respectively may by rules provide for preventing interference or delay in the exercise of the ordinary jurisdiction of the judges of county courts and magistrates respectively by the transfer of petitions and notices or otherwise as such rules may direct.

(5.) Subject to any rules made under this section, the existing rules shall, so far as applicable, continue in force.

(6.) All rules made under the provisions of this section shall be laid before Parliament within three weeks after they are made if

Parliament is then sitting, and, if Parliament is not then sitting, within three weeks after the beginning of the then next session of Parliament, and shall be judicially noticed, and shall have effect as if enacted by this Act.

(7) A rule under the provisions of this section shall not come into operation until the expiration of one month after the same has been made and issued.

**339.** Subject to rules made under this Act, the forms in the Second Schedule may be used, wherever applicable, with such modifications as circumstances may require, and if used, shall be deemed to be sufficient. Forms.

**340.**—(1.) Save as in this Act otherwise expressly provided this Act shall not extend to criminal lunatics. Savings as to criminal lunatics, &c.

(2.) This Act shall not affect the provisions of the Idiots Act, 1886. 49 & 50 Vict. c. 25.

**341.** In this Act, if not inconsistent with the context— Definitions.

"Asylum" means an asylum for lunatics provided by a county or borough, or by a union of counties or boroughs:

"The Bank" means the Governor and Company of the Bank of England:

"Clerk," in relation to a local authority, means, where the local authority is a county council, the clerk of the council, and where the local authority is a borough council, the town clerk of the borough:

"Commissioners" means the Commissioners in Lunacy:

"Contingent right," as applied to lands, includes a contingent and executory interest, a possibility coupled with an interest, whether the object of the gift or limitation of such interest or possibility be or be not ascertained, also a right of entry, whether immediate or future, and whether vested or contingent:

"Convey" and "conveyance" include the performance of all formalities required to the validity of conveyances by married women and tenants in tail under the "Act for the abolition "of fines and recoveries, and for the substitution of more "simple modes of assurance," and also surrenders and other acts which a tenant of copyhold lands can perform preparatory to or in aid of a complete assurance of such copyhold lands: 3 & 4 Will. 4. c. 74.

"County," for the purpose of the powers exerciseable by justices of a county, does not include a county of a city or county of a town (except the City of London), but includes any county, riding, division, part or liberty of a county having a separate court of quarter sessions:

"County borough" has the same meaning as in the Local Government Act, 1888: 51 & 52 Vict. c. 41.

"Criminal lunatic" has the same meaning as in the Criminal Lunatics Act, 1884: 47 & 48 Vict. c. 64.

"District asylum" means an asylum provided by two or more counties in union, or by any county or counties in union with any borough or boroughs:

"Dividends" includes interest and other annual produce:

4 & 5 Will. 4. c. 76.

"Guardians" means guardians appointed under the Poor Law Amendment Act, 1834, and the Acts amending the same, and includes guardians or other body of persons performing under any local Act the like functions as guardians under the Poor Law Amendment Act, 1834:

"Hospital" means any hospital or part of a hospital or other house or institution (not being an asylum) wherein lunatics are received and supported wholly or partly by voluntary contributions, or by any charitable bequest or gift, or by applying the excess of payments of some patients for or towards the support, provision, or benefit of other patients:

"Inquisition" includes an order, certificate, or verdict operating as an inquisition:

"Institution for lunatics" means an asylum, hospital, or licensed house:

"Justice" means a justice of the peace:

"Land" includes an undivided share of land:

"Lease" includes underlease:

"Lunatic" means an idiot or person of unsound mind:

"Magistrate" means a stipendiary magistrate and any magistrate appointed to act at any of the police courts of the metropolis:

"Manager" in relation to an institution for lunatics means the superintendent of an asylum, the resident medical officer or superintendent of a hospital, and the resident licensee of a licensed house:

"Masters" means the Masters in Lunacy:

"Medical officer" means, in the case of an asylum, the medical superintendent, or if the superintendent is not a medical practitioner the resident medical officer of the asylum, in the case of a hospital the superintendent, and in the case of a licensed house the resident medical practitioner, or if none the medical practitioner who visits the house as the medical attendant thereof:

21 & 22 Vict. c. 90. 49 & 50 Vict. c. 48.

"Medical practitioner" means a medical practitioner duly registered under the Medical Act, 1858, and the Acts amending the same, and the Medical Act, 1886:

"Mortgage" includes every estate, interest, or property in real or personal estate, which is a security for money or money's worth:

"Next of kin" includes heir at law, and the persons entitled under the statutes for the distribution of the estates of intestates:

"Pauper" means a person wholly or partly chargeable to a union, county, or borough:

"Paymaster-General" includes the Assistant Paymaster-General for Supreme Court business:

"Prescribed" means prescribed by this Act or by any rules under this Act:

"Private patient" means a patient who is not a pauper:

"Property" includes real and personal property, whether in possession, reversion, remainder, contingency, or expectancy, and any estate or interest, and any undivided share therein:

"Public department" means the Treasury, the Admiralty, and a Secretary of State, and any other public department of the Government:

"Quarter Sessions" includes general sessions:

"Quarter sessions borough" means a borough having a separate court of quarter sessions:

"Reception order" means an order or authority made or given before or after the commencement of this Act for the reception of a lunatic, whether a pauper or not, in an institution for lunatics or as a single patient, and includes an urgency order:

"Relative" means a lineal ancestor or lineal descendant, or a lineal descendant of an ancestor not more remote than great-grandfather or great-grandmother:

"Stock" includes any fund, annuity, or security transferable in books kept by any company or society, or by instrument of transfer alone, or by instrument of transfer, accompanied by other formalities, and any share or interest therein, and also shares in ships registered under the Merchant Shipping Act, 1854: 17 & 18 Vict. c. 104.

"Transfer" includes assignment, payment, and other disposition, and the execution, and performance, of every assurance and act to complete a transfer:

"Trust" and "trustee" include implied and constructive trusts, and cases where the trustee has some beneficial interest, and also the duties incident to the office of personal representative of a deceased person, but not the duties incident to an estate conveyed by way of mortgage:

"Union" means any parish or union of parishes for which there is a separate board of guardians:

"Visiting committee" means a committee of visitors of an asylum appointed under this Act:

"Workhouse" includes an asylum provided for reception and relief of the insane under the Metropolitan Poor Act, 1867, and the managers of every such asylum shall exercise the powers and perform the duties by this Act conferred and imposed upon the guardians of the union to which a workhouse belongs. 30 Vict. c. 6.

**342.** The Acts mentioned in the Fifth Schedule are hereby repealed to the extent set forth in the third column of the same schedule. Repeal.

Provided that this repeal shall not affect any jurisdiction or practice established, confirmed, or transferred, or salary or compensation or superannuation secured, by or under any enactment repealed by this Act.

# SCHEDULES.

## THE FIRST SCHEDULE.

Section 111. *Declaration to be made by a Master.*

I, , declare that I will faithfully, impartially, and honestly, according to the best of my skill and knowledge, execute the powers and trusts committed to me as one of the masters in lunacy, and that without favour or affection, prejudice or malice.

Section 151. *Declaration to be made by a Commissioner.*

I, , declare that I will discreetly, impartially, and faithfully execute all the powers and trusts committed to me as one of the Commissioners in Lunacy, and that I will keep secret all such matters as come to my knowledge in the execution of my office (except when required to divulge the same by legal authority, or so far as I feel myself called upon to do so for the better execution of my duties).

Section 157. *Declaration to be made by the Secretary and Clerks of the Commissioners.*

I, , declare that I will faithfully execute all the trusts and duties committed to me as secretary of the Commissioners in Lunacy [*or*, as clerk of the Commissioners in Lunacy], and that I will keep secret all such matters as come to my knowledge in the execution of my office (except when required to divulge the same by legal authority).

Section 179. *Declaration to be made by Assistants to the Clerk of the Visitors.*

I, , declare that I will faithfully keep secret all matters and things which come to my knowledge in consequence of my employment as assistant to the clerk of the visitors of licensed houses appointed for the county [*or* borough] of unless required to divulge the same by legal authority.

Section 339

## THE SECOND SCHEDULE.

### FORM 1.

Sections 4, 5. *Petition for an Order for reception of a Private Patient.*

In the matter of *A.B.* a person alleged to be of unsound mind.

To a justice of the peace for

[*or*

To His Honour the judge of the county court of *or* To stipendiary magistrate for .]

The petition of *C.D.* of [1] in the county of

1. I am [2] years of age.

2. I desire to obtain an order for the reception of *A B* as a lunatic [3] in the asylum [*or* hospital *or* house *as the case may be*] of situate at [4]

[1] Full postal address and rank, profession, or occupation

[2] At least twenty-one

[3] or an idiot or person of unsound mind.

[4] Insert a full description of the name and locality of the asylum, hospital, or licensed house, or the full name, address, and description of the person who is to take charge of the patient as a single patient.

3 I last saw the said *A.B.* at on the [5] day of

4. I am the [6] of the said *A.B.* [*or if the petitioner is not connected with or related to the patient state as follows :*]

I am not related to or connected with the said *A.B.* The reasons why this petition is not presented by a relation or connection are as follows: [*State them.*]

The circumstances under which this petition is presented by me are as follows: [*State them.*]

[5] Some day within 14 days before the date of the presentation of the petition.

[6] Here state the connection or relationship with the patient.

5. I am not related to or connected with either of the persons signing the certificates which accompany this petition as (*where the petitioner is a man*) husband, father, father-in-law, son, son-in-law, brother, brother-in-law, partner or assistant, (*or where the petitioner is a woman*) wife, mother, mother-in-law, daughter, daughter-in-law, sister, sister-in-law, partner or assistant.

6. I undertake to visit the said *A.B.* personally or by some one specially appointed by me at least once in every six months while under care and treatment under the order to be made on this petition.

7. A statement of particulars relating to the said *A.B.* accompanies this petition.

*If it is the fact add:*

8. The said *A.B.* has been received in the asylum [*or* hospital *or* house *as the case may be*] under an urgency order dated the

The petitioner therefore prays that an order may be made in accordance with the foregoing statement

[Signed]

Dated full Christian and surname.

## FORM 2

Sections 4, 5, 11.

### *Statement of Particulars.*

STATEMENT of particulars referred to in the annexed petition [or in the above or annexed order].

The following is a statement of particulars relating to the said *A B.* [1] :—

Name of patient, with Christian name at length.

Sex and age.

†Married, single, or widowed.

†Rank, profession, or previous occupation (if any).

†Religious persuasion.

Residence at or immediately previous to the date hereof.

†Whether first attack.

Age on first attack.

When and where previously under care and treatment as a lunatic, idiot, or person of unsound mind.

†Duration of existing attack.

Supposed cause.

Whether subject to epilepsy.

Whether suicidal.

[1] If any particulars are not known, the fact is to be so stated. [Where the patient is in the petition or order described as an idiot omit the particulars marked †].

Whether dangerous to others, and in what way.

Whether any near relative has been afflicted with insanity.

Names, Christian names, and full postal addresses of one or more relatives of the patient.

Name of the person to whom notice of death to be sent, and full postal address if not already given.

Name and full postal address of the usual medical attendant of the patient.

(Signed)

When the petitioner or person signing an urgency order is not the person who signs the statement, add the following particulars concerning the person who signs the statement.

- Name with Christian name at length.
- Rank, profession, or occupation (if any).
- How related to or otherwise connected with the patient.

Section 6.

## FORM 3.

*Order for reception of a private patient to be made by a Justice appointed under the Lunacy Act,* 1890, *Judge of County Courts, or Stipendiary Magistrate.*

I, the undersigned *E.F.*, being a Justice for specially appointed under the Lunacy Act, 1890 [*or* the Judge of the County Court of *or* the Stipendiary Magistrate for ] upon the petition of *C.D.*, of [1] in the matter of *A.B.* a lunatic, [2] accompanied by the medical certificates of *G.H.* and *I.J.* hereto annexed, and upon the undertaking of the said *C.D.* to visit the said *A.B.* personally or by some one specially appointed by the said *C.D.* once at least in every six months while under care and treatment under this order, hereby authorise you to receive the said *A.B.* as a patient into your asylum [3]. And I declare that I have [*or* have not] personally seen the said *A.B.* before making this order.

[1] Address and description.
[2] Or an idiot or person of unsound mind.
[3] Or hospital or house or as a single patient.
[4] To be addressed to the medical superintendent of the asylum or hospital, or to the resident licensee of the house in which the patient is to be placed.

Dated

(Signed) *E.F.*
A Justice for appointed under the above-mentioned Act, [*or* The Judge of the County Court of *or* a Stipendiary Magistrate.]

To [4]

Section 11.

## FORM 4.

*Form of urgency Order for the reception of a private patient.*

[1] Or hospital or asylum or as a single patient.
[2] Or an idiot or a person of unsound mind.
[3] Some day within two days before the date of the order.

I, the undersigned, being a person twenty-one years of age, hereby authorise you to receive as a patient into your house [1] *A.B.*, as a lunatic [2], whom I last saw at on the [3] day

of 18 . I am not related to or connected with the person signing the certificate which accompanies this order in any of the ways mentioned in the margin [4]. Subjoined [or annexed] hereto [5] is a statement of particulars relating to the said *A B*.

(Signed) Name and Christian name at length
Rank, profession, or occupation (if any)
Full postal address
How related to or connected with the patient
[If not the husband or wife or a relative of the patient, the person signing to state as briefly as possible: 1. Why the order is not signed by the husband or wife or a relative of the patient. 2. His or her connexion with the patient, and the circumstances under which he or she signs.]

[4] Husband, wife, father, father-in-law, mother, mother-in-law, son, son-in-law, daughter, daughter-in-law, brother, brother-in-law, sister, sister-in-law, partner, or assistant.
[5] *See* Form 2.

Dated this day of 18
To superintendent of the asylum [ hospital *or* resident licensee of the house].

Describing the asylum, hospital, or house by situation and name.

FORM 5. Section 8.

*Certificate as to Personal Interview after Reception.*

I certify that it would be prejudicial to *A.B.* to be taken before or visited by a justice, a judge of county courts, or magistrate.

(Signed) *C.D.*,
Medical Superintendent of the Asylum *or* Hospital
*or* Resident Medical Practitioner
*or* Attendant of the ,
*or* Medical Attendant of the said *A.B.*

FORM 6. Section 8.

*Notice of Right to Personal Interview.*

Take notice that you have the right, if you desire it, to be taken before or visited by a justice, judge of county courts, or magistrate. If you desire to exercise such right, you must give me notice thereof by signing the enclosed form on or before the day of

Dated

Signed *C.D.*
Superintendent of the Asylum *or* Hospital
*or* Resident Licensee of
[*or as the case may be.*]

FORM 7. Section 8.

*Notice of Desire to have a Personal Interview.*

Dated

[*Address*]

I desire to be taken before or visited by a justice, judge, or magistrate having jurisdiction in the district within which I am detained.

Signed

Sections 4, 11, 16, 23, 24.

## FORM 8.

### *Certificate of Medical Practitioner.*

In the matter of *A.B.* of [1] in the county [2] of [3], an alleged lunatic.

I, the undersigned *C.D.*, do hereby certify as follows:

1. I am a person registered under the Medical Act, 1858, and I am in the actual practice of the medical profession.

2. On the day of 18 , at [4] in the county [5] of [separately from any other practitioner] [6], I personally examined the said *A.B.* and came to the conclusion that he is a [lunatic, an idiot, or a person of unsound mind] and a proper person to be taken charge of and detained under care and treatment.

3. I formed this conclusion on the following grounds, viz.:—

(*a.*) Facts indicating insanity observed by myself at the time of examination [7], viz.:—

(*b.*) Facts communicated by others, viz.:—[8]

[*If an urgency certificate is required it must be added here. See* Form 9.]

4. The said *A.B.* appeared to me to be [*or* not to be] in a fit condition of bodily health to be removed to an asylum, hospital, or licensed house.[9]

5. I give this certificate having first read the section of the Act of Parliament printed below.

Dated (Signed) *C.D.*, of [10]

[1] Insert residence of patient.
[2] City or borough, as the case may be.
[3] Insert profession or occupation, if any.
[4] Insert the place of examination, giving the name of the street, with number or name of house, or should there be no number the christian and surname of occupier.
[5] City or borough, as the case may be.
[6] Omit this where only one certificate is required.
[7] If the same or other facts were observed previous to the time of the examination, the certifier is at liberty to subjoin them in a separate paragraph.
[8] The names and christian names (if known) of informants to be given, with their addresses and descriptions.
[9] Strike out this clause in case of a private patient whose removal is not proposed.
[10] Insert full postal address.

*Extract from section* 317 *of the Lunacy Act*, 1890.

Any person who makes a wilful misstatement of any material fact in any medical or other certificate or in any statement or report of bodily or mental condition under this Act, shall be guilty of a misdemeanor.

Sections 11, 28.

## FORM 9.

### *Statement accompanying Urgency Order.*

I certify that it is expedient for the welfare of the said *A.B.*, [*or* for the public safety, *as the case may be*] that the said *A.B.* should be forthwith placed under care and treatment.

My reasons for this conclusion are as follows: [*state them*].

## FORM 10.

*Certificate as to pauper Lunatic in a Workhouse.* Section 24

I, the undersigned Medical Officer of Workhouse of the Union hereby certify that I have carefully examined into the state of health and mental condition of *A B.*, a pauper in the said workhouse, and that he is in my opinion a lunatic, and a proper person to be allowed to remain in the workhouse as a lunatic, and that the accommodation in the workhouse is sufficient for his proper care and treatment separate from the inmates of the workhouse not lunatics [*or*, that his condition is such that it is not necessary for the convenience of the lunatic or of the other inmates that he should be kept separate].

The grounds for my opinion that the said *A.B.* is a lunatic are as follows:

Dated (Signed)
Medical Officer of the Workhouse.

Section 24.

## FORM 11.

*Order for detention of Lunatic in Workhouse.*

I, the undersigned *C.D.*, a justice of the peace for being satisfied that *A.B.*, a pauper in the workhouse of the is a lunatic [or idiot or person of unsound mind] and a proper person to be taken charge of under care and treatment in the workhouse, and being satisfied that the accommodation in the workhouse is sufficient for his proper care and treatment separate from the inmates of the workhouse not lunatics [*or*, that his condition is such that it is not necessary for the convenience of the lunatic or of the other inmates that he should be kept separate] hereby authorise you to take charge of, and, if the workhouse medical officer shall certify it to be necessary, to detain the said *A.B.* as a patient in your workhouse. Subjoined is a statement of particulars respecting the said *A.B.*

(Signed) *C.D*,
A justice of the peace
for

Dated
To the Master of the
Workhouse
of the

*Statement of Particulars.*

Name of patient and christian name at length.
Sex and age.
Married, single, or widowed.
Condition of life and previous occupation (if any).
Religious persuasion as far as known.
Previous place of abode.
Whether first attack.
Age (if known) on first attack.
When and where previously under care and treatment.
Duration of existing attack.
Supposed cause.
Whether subject to epilepsy.
Whether suicidal.

Whether dangerous to others.
Whether any near relative has been afflicted with insanity.
Name and Christian name and address of nearest known relative of the patient and degree of relationship if known.
I certify that to the best of my knowledge the above particulars are correct.

[To be signed by the relieving officer.]

Section 16.

## FORM 12.

*Order for reception of a Pauper Lunatic or Lunatic wandering at large.*

I, *C.D.*, having called to my assistance *E.F.* of , a duly qualified medical practitioner, and being satisfied that *A.B.* [*describing him*] is a pauper in receipt of relief [*or* in such circumstances as to require relief for his proper care and maintenance], and that the said *A.B.* is a lunatic [*or* an idiot, *or* a person of unsound mind] and a proper person to be taken charge of and detained under care and treatment, *or* that *A B.* [*describing him*] is a lunatic, and was wandering at large, and is a proper person to be taken charge of and detained under care and treatment, hereby direct you to receive the said *A.B.* as a patient into your asylum [*or* hospital, *or* house]. Subjoined is a statement of particulars respecting the said *A.B.*

(Signed) *C.D.*,
A justice of the peace for

Dated the day of one thousand eight hundred and

To the superintendent of the asylum for the county [*or* borough] of [*or* the lunatic hospital of ; *or* *E.F.* proprietor of the licensed house of ; describing the asylum, hospital, or house].

*Note.*—Where the order directs the lunatic to be received into any asylum, other than an asylum of the county or borough in which the parish or place from which the lunatic is sent is situate, or into a registered hospital or licensed house, it shall state, that the justice making the order is satisfied that there is no asylum of such county or borough, or that there is a deficiency of room in such asylum; or (as the case may be) the special circumstances, by reason whereof the lunatic cannot conveniently be taken to an asylum for such first-mentioned county or borough.

*Statement of Particulars.*

STATEMENT of particulars referred to in the above or annexed order.

The following is a statement of particulars relating to the said *A.B.* [1]:—

[1] If any particulars are not known, the fact is to be so stated. [Where the patient is in the order described as an idiot omit the particulars marked †].

Name of patient, with Christian name at length.
Sex and age.
†Married, single, or widowed.
†Rank, profession, or previous occupation (if any).
†Religious persuasion.
Residence at or immediately previous to the date hereof.
†Whether first attack.
Age on first attack.
When and where previously under care and treatment as a lunatic, idiot, or person of unsound mind.
†Duration of existing attack.

Supposed cause.
Whether subject to epilepsy.
Whether suicidal.
Whether dangerous to others, and in what way.
Whether any near relative has been afflicted with insanity.
Union to which lunatic is chargeable.
Names, Christian names, and full postal addresses of one or more relatives of the patient.
Name of the person to whom notice of death to be sent, and full postal address if not already given.

(Signed) *G.H.*

*To be signed by the Relieving Officer or Overseer.*

FORM 13. Section 38.

*Certificate that patient continues of unsound mind.*

I, , certify that *A.B.*, the patient [*or A.B.*, *C.D.*, &c., the patients] to whom the annexed report relates, is [*or* are] still of unsound mind, and a proper person [*or* proper persons] to be detained under care and treatment.

(Signed)
Medical superintendent *or* resident medical officer of the asylum, *or* superintendent of the hospital *or* resident medical practitioner *or* medical attendant of the house situate at , *or* medical practitioner visiting the said *A.B.*

Dated

FORM 14. Section 229.

*Consent to the admission of a boarder.*

We hereby sanction the admission of *A.B.* as a boarder into for the term of from the day of in accordance with the provisions of the statute and in terms of *A.B.'s* application.

(Signed)
Two of the Commissioners in Lunacy.
[*or* Two of the justices for .]

Dated the day of 18

FORM 15. Section 13.

*Order for Reception of a Lunatic not under proper care and control, or cruelly treated or neglected, to be made by a Justice appointed under the Lunacy Act*, 1890.

I, the undersigned *C.D.*, being a Justice for specially appointed under the Lunacy Act, 1890, having caused *A.B.* to be examined by two duly qualified medical practitioners, and being satisfied that the said *A.B.* is a lunatic not under proper care and control [*or* is

cruelly treated or neglected by the person having the care or charge of him,] and that he is a proper person to be taken charge of and detained under care and treatment, hereby direct you to receive the said *A B* as a patient into your asylum [*or* hospital *or* house]. Subjoined is a statement of particulars respecting the said *A.B.*

(Signed)

A justice of the peace for
appointed under the above-mentioned Act.

Dated

To the Superintendent of the Asylum for , or of the lunatic hospital of , or the resident licensee of the licensed house at

*Note.*—Where the order directs the lunatic to be received into any asylum, other than an asylum of the county or borough in which the parish or place from which the lunatic is sent is situate, or into a registered hospital or licensed house, it shall state, that the justice making the order is satisfied that there is no asylum of such county or borough, or that there is a deficiency of room in such asylum; or (as the case may be) the special circumstances, by reason whereof the lunatic cannot conveniently be taken to an asylum for such first-mentioned county or borough.

### *Statement of Particulars.*

STATEMENT of particulars referred to in the above or annexed order.

[1] If any particulars are not known the fact is to be so stated. [Where the patient is in the order described as an idiot omit the particulars marked †]

The following is a statement of particulars relating to the said *A B.* [1] :—

Name of patient, with Christian name at length
Sex and age.
†Married, single, or widowed.
†Rank, profession, or previous occupation (if any).
†Religious persuasion.
Residence at or immediately previous to the date hereof.
†Whether first attack.
Age on first attack.
When and where previously under care and treatment as a lunatic, idiot, or person of unsound mind.
†Duration of existing attack.
Supposed cause.
Whether subject to epilepsy.
Whether suicidal.
Whether dangerous to others, and in what way.
Whether any near relative has been afflicted with insanity.
Union to which lunatic is chargeable.
Names, Christian names, and full postal addresses of one or more relatives of the patient.
Name of the person to whom notice of death to be sent, and full postal address if not already given

(Signed)

To be signed by the relieving officer, overseer, or other person on whose information the order is made.

FORM 16. Section 335.

*Certificate of Disability of Person entitled to Payments from a Public Department.*

I, , being a justice of the peace for *or* the rector, *or* vicar, *or* minister [*state the denomination and residence*], hereby certify that I know the said *A.B.*, and that I believe him *or* her to be unable, by reason of mental disability, to manage his *or* her affairs; and I further certify that I believe the family of the said *A.B.* to consist of

Dated

Signed [*Name*].
[*Place of abode*].

FORM 17. Section 335.

*Medical Certificate of Disability of Person entitled to Payments from a Public Department.*

I , being a person registered under the Medical Act, 1858, and in the actual practice of my profession, hereby certify that I have this day visited and personally examined *A.B.*, and that the said *A.B.* is unable by reason of mental disability to manage his *or* her affairs, and that I have formed this conclusion on the following grounds, viz.: [*state them*].

Dated

Signed [*Name*].
[*Postal address in full.*]

FORM 18. Section 207.

*Form of Licence by Commissioners for a House not previously licensed.*

KNOW ALL MEN, that we, the Commissioners in Lunacy, do hereby certify that *A.B.* of in the parish of in the county of has delivered to us a plan and description of a house and premises situate at in the county of proposed to be licensed for the reception of lunatics, and we, having considered and approved the same, do hereby authorise the said *A.B.* (he undertaking to reside therein) to use the said house and premises for the reception of male [*or* female, *or* male and female] lunatics, of whom not more than shall be private patients, for calendar months from this date.

Sealed with our common seal this day of 18

Witness,
*Y.Z.*, Secretary to the Commissioners of Lunacy.

FORM 19. Section 207.

*Form of Licence by Justices for a House not previously licensed.*

KNOW ALL MEN, that we, the undersigned justices of the peace, acting in and for in general [*or* quarter *or* special] sessions assembled, do hereby certify that *A.B.* of in the parish of in the

county of has delivered to the clerk of the peace a plan and description of a house and premises, situate at in the county of proposed to be licensed for the reception of lunatics, and has applied to us for a licence thereof: And whereas the Commissioners in Lunacy have reported upon the said application, and their report has been received, and has been taken into consideration by us; Now we, having considered and approved the application, do hereby authorize the said *A.B.* (he undertaking to reside therein) to use the said house and premises for the reception of male [*or* female *or* male and female] lunatics, of whom not more than shall be private patients, for the space of calendar months from this date.

Given under our hands and seals this day of 18

Witness, *Y.Z., Clerk of the Peace.*

Section 207.

## FORM 20.

*Licence by Commissioners or Justices for a House previously licensed.*

KNOW ALL MEN, that we, the Commissioners in Lunacy [*or* we the undersigned justices of the peace, for in general (*or* quarter *or* special) sessions assembled] do hereby certify that *A.B.* of in the parish of in the county of has delivered to us [*or* the clerk of the peace] a list of the number of patients now detained in a house and premises situate at in the county of licensed on the day of for the reception of lunatics, and we, having considered the same, do hereby authorise the said *A.B.*, he undertaking to reside therein, to use the said house and premises for the reception of male [*or* female *or* male and female] lunatics, of whom not more than shall be private patients, for calendar months from this date.

Sealed with our common seal [*or* given under our hands and seals], this day of

Witness,
*Y.Z.*, Secretary to the Commissioners in Lunacy,
[*or* Clerk of the Peace].

Section 248.

## FORM 21.

FORM of AGREEMENT for uniting for the purpose of erecting or providing an asylum for the reception of lunatics.

IT is agreed this day of between the visiting committees for the county of and the borough of [*as the case may be*], that the said county and borough [*as the case may be*], shall henceforth be united for the purposes of the Lunacy Act, 1890; and that an asylum for the reception of lunatics, with all necessary buildings, courts, yards, and outlets, shall be immediately provided and properly fitted up and accommodated for the purposes mentioned in the said Act; and that the necessary expenses attending the providing, building, fitting up, repairs, and maintenance of the said asylum shall be defrayed by the said county and borough, so united, in the following proportions, such proportions being fixed according to the probable extent of

the accommodation required for the lunatics of the contracting county and borough; (that is to say,)

| | |
|---|---|
| The county of | Five ninths of the said expenses. |
| The borough of | Four ninths of the same. |

[*as the case may be, or if the expenses are not fixed with reference to the probable extent of the accommodation, insert instead of the last clause.*]

The expenses shall be from time to time charged upon and raised by such county and borough in proportion to their respective populations as stated in the last return for the time being made of the same under the authority of Parliament.

And it is further agreed, that the committee of visitors to superintend the building, erection, and management of the said asylum shall be appointed in the following proportions; the council for the said county of shall appoint* , and the council for the borough of shall appoint* and the proportions in which the said committee of visitors are to be appointed as aforesaid may be from time to time varied, with the consent in writing under the hands of the greater number of visitors of the said county and borough, and with the consent of the Commissioners in Lunacy. And hereunto, we, the undersigned, being the majority of each of the committees appointed by the said councils respectively, do on behalf of the said councils set our hands and seals, this day of

## FORM 22.

Section 332.

### FORM of SUMMONS.

WE, the Commissioners in Lunacy [*or* we whose names are hereunto set and seals affixed, being two of the Commissioners in Lunacy, *or* visitors of ], do hereby summon you personally to appear before us at in the parish of in the county of on next the day of at the hour of in the noon of the same day, and then and there to be examined, and to testify the truth touching certain matters relating to the execution of the Lunacy Act, 1890.

Sealed with the common seal of "The Commissioners in Lunacy" [*or* Given under our hands and seals] this day of

# THE THIRD SCHEDULE.

## PLACES WITHIN IMMEDIATE JURISDICTION OF COMMISSIONERS.

Section 208.

The cities of London and Westminster, the counties of London and Middlesex, and the following parishes and places; (that is to say,) Barnes, Kew Green, Mortlake, Merton, Mitcham, and Wimbledon, in the county of Surrey; Southend, in the county of Kent; and East Ham, Leyton, Leytonstone, Low Leyton, Plaistow, West Ham, and Walthamstow, in the county of Essex; and also every other place, if any, within the distance of seven miles from any part of the cities of London or Westminster, or of the borough of Southwark.

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* *Insert in these blanks either the number or the proportion of visitors; and where the number of the committee of visitors is not fixed in the agreement, but only the proportions, a provision shall be made by the agreement for fixing from time to time the number of such committee.*

Sections 169, 240, 245, 246

## THE FOURTH SCHEDULE.

BOROUGHS THE COUNCILS OF WHICH ARE LOCAL AUTHORITIES UNDER THIS ACT.

Barnstaple.
Bedford.
Berwick-on-Tweed.
Bridgwater.
Bury St. Edmunds.
Cambridge.
Colchester.
Doncaster.
Dover.
Grantham
Gravesend.
Guildford.
Hereford.
Kings Lynn.
London (City of).
Maidstone.
Newark.
Newbury.
Newcastle-under-Lyme.
New Sarum.
New Windsor.
Penzance.
Poole.
Rochester.
Scarborough.
Shrewsbury.
Tiverton.
Warwick.
Wenlock.
Winchester.

Section 342

## THE FIFTH SCHEDULE.

| Session and Chapter. | Title or Short Title. | Extent of Repeal. |
|---|---|---|
| 4 & 5 Will. 4. c. 76. - | An Act for the amendment and better administration of the Laws relating to the Poor in England and Wales. | Section forty-five. |
| 8 & 9 Vict. c. 100. - | An Act for the regulation of the care and treatment of lunatics. | The whole Act. |
| 13 & 14 Vict. c. 60. - | The Trustee Act, 1850 - | Sections three, four, five, six, and fifty-six.<br>Sections twenty, twenty-six, twenty-seven, twenty-eight, thirty-one, forty, forty-one, forty-two, forty-four, forty-five, fifty-one, fifty-two, and fifty-three, so far as they relate to "the Lord Chancellor entrusted as aforesaid."<br>Except so far as the above sections relate to Ireland. |
| 15 & 16 Vict. c. 48. - | An Act for the amendment of the law respecting the property of lunatics. | The whole Act. |
| 15 & 16 Vict. c. 55. - | An Act to extend the provisions of the Trustee Act, 1850. | Sections six and seven, so far as relates to the Lord Chancellor entrusted as aforesaid, and sections ten and eleven.<br>Except so far as the above sections relate to Ireland. |

| Session and Chapter. | Title or Short Title. | Extent of Repeal. |
|---|---|---|
| 16 & 17 Vict. c. 70. - | The Lunacy Regulation Act, 1853. | The whole Act. |
| 16 & 17 Vict. c. 96. - | An Act to amend an Act passed in the ninth year of Her Majesty for the regulation of the care and treatment of lunatics. | The whole Act. |
| 16 & 17 Vict. c. 97. - | The Lunatic Asylums Act, 1853. | The whole Act. |
| 18 Vict. c. 13. | An Act to amend and explain the Lunacy Regulation Act, 1853. | The whole Act. |
| 18 & 19 Vict. c. 105. | An Act to amend the Lunatic Asylums Act, 1853, and the Acts passed in the ninth and seventeenth years of Her Majesty for the Regulation of the Care and Treatment of Lunatics. | The whole Act. |
| 19 & 20 Vict. c. 87. - | An Act to amend the Lunatic Asylums Act, 1853. | The whole Act. |
| 23 & 24 Vict. c. 127. | An Act to amend the law relating to attorneys, solicitors, proctors, and certificated conveyancers. | Section twenty-nine. |
| 24 & 25 Vict. c. 55. - | An Act to amend the laws regarding the removal of the poor, and the contribution of parishes to the common fund in unions. | Section seven. |
| 25 & 26 Vict. c. 86. - | The Lunacy Regulation Act, 1862. | The whole Act. |
| 25 & 26 Vict. c. 111. | The Lunacy Acts Amendment Act, 1862. | The whole Act. |
| 26 & 27 Vict. c. 110. | The Lunacy Acts Amendment Act, 1863. | The whole Act. |
| 28 & 29 Vict. c. 80. | The Lunacy Act Amendment Act, 1865. | The whole Act. |
| 30 Vict. c. 6. - - | The Metropolitan Poor Act, 1867. | In section thirty, the words "and every such asylum" to the end of the section. |
| 30 & 31 Vict. c. 87. - | The Court of Chancery (Officers) Act, 1867. | Section thirteen. |
| 30 & 31 Vict. c. 106. | The Poor Law Amendment Act, 1867. | Section twenty-two, except as regards persons suffering from delirium tremens, or from bodily disease of a contagious or infectious character. |
| 31 & 32 Vict. c. 122. | The Poor Law Amendment Act, 1868. | Section forty-three. |
| 34 & 35 Vict. c. 14. - | The County Property Act, 1871. | Section two. |

| Session and Chapter. | Title or Short Title. | Extent of Repeal. |
|---|---|---|
| 38 & 39 Vict. c. 77. - | The Supreme Court of Judicature Act, 1875. | Section seven. In section twenty-six, the words "(including the percentage on estates of lunatics)" and the words "(including the masters and other officers in lunacy)". |
| 45 & 46 Vict. c. 82. - | The Lunacy Regulation Amendment Act, 1882. | The whole Act. |
| 48 & 49 Vict. c. 52. - | The Lunacy Acts Amendment Act, 1885. | The whole Act. |
| 51 & 52 Vict. c. 41. - | The Local Government Act, 1888. | Section thirty-two, sub-section three, sub-clause (c); section eighty-six, sub-sections one, two, three, four, six, seven, and eight. |
| 52 & 53 Vict. c. 41. - | The Lunacy Acts Amendment Act, 1889. | The whole Act. |

# CHAPTER 6.

## An Act to empower the Secretary of State in Council of India to raise Money in the United Kingdom for the Purchase of the South Indian Railway; and for other purposes relating thereto. [2nd May 1890.]

WHEREAS the Secretary of State in Council, by virtue of the power vested in him under the contract between him and the Company, gave notice on the third day of March, one thousand eight hundred and ninety, to the South Indian Railway Company, of his intention to purchase the undertaking of the Company:

And whereas, in consequence of such notice, the Secretary of State in Council has become liable to pay to the Company in London on the thirty-first day of December, one thousand eight hundred and ninety, the amount of four million one hundred and ninety-seven thousand five hundred and fifty-six pounds eleven shillings and twopence for the said purchase, and has also become liable to pay the sum of one million and seventy thousand pounds borrowed by the Company on the debentures specified in the schedule to this Act annexed, as and when the same respectively shall become redeemable:

And whereas it is expedient that the Secretary of State in Council should be empowered to raise money in manner in this Act mentioned for the purchase on behalf of Her Majesty for the purposes of the Government of India of the undertaking of the said Company, and for the redemption and discharge of the said debentures as and when the same respectively shall fall due and become redeemable:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

**1.** This Act may be cited as the South Indian Railway Purchase Act, 1890. Short title.

**2.** In this Act the expression "Secretary of State" means the Secretary of State in Council of India, unless the context otherwise requires. Definition.

**3.** It shall be lawful for the Secretary of State at any time or times after the passing of this Act to raise in the United Kingdom, for the purchase of the railways, works, stations, telegraphs, engines, carriages, stock, plant, and machinery, belonging to or forming the undertaking of the South Indian Railway Company, and as and when necessary for the discharge and redemption of debentures issued by the Company, any sum or sums of money not exceeding in the whole the sum of five million two hundred and sixty-seven thousand five hundred and fifty-six pounds eleven shillings and twopence. Power to raise 5,267,556*l.* 11*s.* 2*d.* for purchase of South Indian Railway.

**4.** All moneys raised under the authority of this Act shall be raised either by the creation and issue of bonds, debentures, or capital stock bearing interest, or partly by one of such modes and partly by another or others. Mode of raising moneys.

**5.** All bonds and debentures issued under this Act, and the principal moneys and interest thereby secured, and all capital stock issued under this Act, and the interest thereon, shall be charged on and payable out of the revenues of India, in like manner as other liabilities incurred on account of the Government of India. Securities, &c. to be charged on revenues of India.

**6.** The whole amount of principal moneys to be charged on the revenues of India under this Act shall not exceed the amount required to be charged for the purchase of the South Indian Railway, and for the discharge of the debentures mentioned in the schedule to this Act annexed. Limit of charge on revenues of India.

**7.** Upon or for the repayment of any principal moneys secured under the authority of this Act, the Secretary of State may at any time borrow or raise, by all or any of the modes aforesaid, all or any part of the amount of principal money repaid or to be repaid, and so from time to time as all or any part of any principal moneys under this Act may require to be repaid, but the whole amount to be charged on the revenues of India shall not in any case exceed the principal moneys required to be repaid. Power to re-borrow.

**8.** All bonds issued under the authority of this Act may be issued under the hands of two members of the Council of India, and countersigned by the Secretary of State for India or one of his under secretaries, or his assistant under secretary, and shall be for such respective amounts, payable after such notice, and at such rate or rates of interest, as the Secretary of State may think fit. As to issue of bonds.

**9.** All debentures issued under the authority of this Act may be issued under the hands of two members of the Council of India, and countersigned as aforesaid, for such respective amounts, As to issue of debentures.

and at such rate or rates of interest, as the Secretary of State may think fit, and shall be issued at or for such prices and on such terms as may be determined by the Secretary of State.

As to payment of principal and interest on debentures.

**10.** All debentures issued under the authority of this Act shall be paid off at par at a time or times to be mentioned in such debentures respectively; and the interest on all such debentures shall be paid on such days as shall be mentioned therein; and the principal moneys and interest secured by such debentures shall be payable either at the treasury of the Secretary of State in London or at the Bank of England.

Mode of transfer of debentures.

**11.** Debentures issued under the authority of this Act, and all right to and in respect of the principal and interest moneys secured thereby, shall be transferable by the delivery of such debentures, or, at the discretion of the Secretary of State, by deed; provided that the coupons for interest annexed to any debenture issued under the authority of this Act shall pass by delivery.

Capital stock.

**12.** Any capital stock created under the authority of this Act shall bear such rate of interest as the Secretary of State may think fit; and such capital stock may be issued on such terms as may be determined by the Secretary of State; and any such capital stock may bear interest during such period, and be paid off at par at such time, as the Secretary of State may prescribe previously to the issue of such capital stock.

Transfer books of capital stock.

**13.** In case of the creation and issue of any such capital stock, there shall be kept, either at the office of the Secretary of State in London or at the Bank of England, books wherein entries shall be made of the said capital stock, and wherein all assignments or transfers of the same, or any part thereof, shall be entered and registered, and shall be signed by the parties making such assignments or transfers, or, if such parties be absent, by his, her, or their attorney or attorneys thereunto lawfully authorised by writing under his, her, or their hands and seals, to be attested by two or more credible witnesses; and the person or persons to whom such transfer or transfers shall be made may respectively underwrite his, her, or their acceptance thereof; and no other mode of assigning or transferring the said capital stock or any part thereof, or any interest therein, shall be good and available in law, and no stamp duties whatsoever shall be charged on the said transfers or any of them.

5 & 6 Will. 4. c. 64. s. 4. extended to bonds and debentures under Act.

**14.** The provisions contained in section four of the Act of the session holden in the fifth and sixth years of King William the Fourth, chapter sixty-four, with respect to the composition and agreement for the payment by the East India Company of an annual sum in lieu of stamp duties on their bonds, and the exemption of their bonds from stamp duties, shall be applicable with respect to the bonds and debentures to be issued under the authority of this Act, as if such provisions were here repeated and re-enacted with reference thereto.

Punishment of forgery of bonds and debentures.

**15.** All provisions now in force in anywise relating to the offence of forging or altering, or offering, uttering, disposing of, or putting off, knowing the same to be forged or altered, any East

India bond, with intent to defraud, shall extend and be applicable to and in respect of any bond or debenture issued under the authority of this Act.

**16.** This Act shall not prejudice or affect any power of raising or borrowing money vested in the said Secretary of State at the time of passing thereof. Saving existing borrowing powers.

**17.** Any capital stock created under this Act shall be deemed to be and shall mean India stock within the Act of the twenty-sixth and twenty-seventh Victoria, chapter seventy-three, anything in the said last-mentioned Act to the contrary notwithstanding. Extension of 26 & 27 Vict. c. 73. to capital stock under Act.

**18.** The amount of all moneys raised under this Act and the manner in which the same shall have been applied shall be shown in the half-yearly returns of all loans raised in England to be prepared by the Secretary of State and presented to both Houses of Parliament under the provisions of section fifteen of the Act forty-two and forty-three Victoria, chapter sixty. Amount, &c. of moneys raised under Act to be shown in parliamentary return.

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## SCHEDULE.

DEBENTURES OF THE SOUTH INDIAN RAILWAY COMPANY.

| Amounts. | Dates of Redemption. | Rates of Interest per Annum. |
|---|---|---|
| £ | | |
| 86,100 | 1 July 1891 - - - | 3½ per cent. |
| 150,000 | 1 July 1892 - - - | " " |
| 520,200 | 1 July 1893 - - - | " " |
| 313,700 | 1 July 1896 - - - | 3¼ " |
| £1,070,000 | | |

# CHAPTER 7.

## An Act to amend the Commissioners for Oaths Act, 1889.

[22nd May 1890.]

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

**1.** An affidavit to be used in a county court may be sworn before any commissioner to administer oaths in the Court of Chancery of the county palatine of Lancaster not being a registrar of a county court. Swearing of affidavit.

**2.** This Act may be cited as the Commissioners for Oaths Amendment Act, 1890. Short title.

# CHAPTER 8.

## An Act to grant certain Duties of Customs and Inland Revenue, to repeal and alter other Duties, and to amend the Laws relating to Customs and Inland Revenue.

[9th June 1890.]

Most Gracious Sovereign,

WE, Your Majesty's most dutiful and loyal subjects, the Commons of the United Kingdom of Great Britain and Ireland in Parliament assembled, towards raising the necessary supplies to defray Your Majesty's public expenses and making an addition to the public revenue, have freely and voluntarily resolved to give and grant unto Your Majesty the several duties herein-after mentioned; and do therefore most humbly beseech Your Majesty that it may be enacted, and be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Short title.

**1.** This Act may be cited as the Customs and Inland Revenue Act, 1890.

### PART I.

### CUSTOMS AND EXCISE.

Import duty on tea.

**2.** In lieu of the duty of Customs now chargeable upon tea there shall be charged and paid, on and after the first day of May one thousand eight hundred and ninety, the duty following; and such duty shall continue to be charged and paid on tea imported into Great Britain and Ireland until the first day of August one thousand eight hundred and ninety-one, (that is to say,)

Tea, the pound - - - Fourpence.

Reduction of duty on currants.

**3.** In lieu of the duty of Customs now chargeable upon currants, there shall, on and after the first day of May one thousand eight hundred and ninety, be charged and paid upon currants imported into Great Britain and Ireland the duty following; (that is to say,)

| | s. | d. |
|---|---|---|
| Currants, the cwt. - - - | 2 | 0 |

Additional duty of Customs on spirits. 44 & 45 Vict. c. 12.

**4.** In addition to the duties of Customs payable on spirits under the Customs and Inland Revenue Act, 1881, there shall be charged and paid, on and after the eighteenth day of April one thousand eight hundred and ninety, the duties following; (that is to say,)

| | £ | s. | d. |
|---|---|---|---|
| For every gallon computed at proof of spirits of any description as in the said Act mentioned (except perfumed spirits) - - - - - | 0 | 0 | 6 |
| For every gallon of perfumed spirits - - - | 0 | 0 | 9 |
| For every gallon of liqueurs, cordials, and other preparations entered so as to be chargeable under the said Act with the duty of fourteen shillings - | 0 | 0 | 8 |

and so in proportion for any less quantity.

**5.** In lieu of the duties of Customs on the articles herein-after mentioned, being articles of which spirits are a part or ingredient, there shall be charged and paid, on and after the eighteenth day of April one thousand eight hundred and ninety, the duties following; (that is to say,)

Alteration of Customs duties on certain goods containing spirits.

| | | £ | s. | d. |
|---|---|---|---|---|
| Chloroform - - - - | the pound | 0 | 3 | 1 |
| Collodion - - - - | the gallon | 1 | 5 | 0 |
| Ether, acetic - - - - | the pound | 0 | 1 | 10 |
| Ether, butyric - - - - | the gallon | 0 | 15 | 8 |
| Ether, sulphuric - - - - | the gallon | 1 | 6 | 2 |
| Ethyl, Iodide of - - - - | the gallon | 0 | 13 | 7 |

and so in proportion for any less quantity.

**6.** In addition to the duty of excise payable under the Act of the twenty-third and twenty-fourth years of Her Majesty's reign chapter one hundred and twenty-nine, for and upon every gallon computed at proof of spirits distilled in the United Kingdom there shall be charged and paid, on and after the eighteenth day of April one thousand eight hundred and ninety, the duty of sixpence, and so in proportion for any less quantity.

Additional duty of excise on spirits.

**7.** The following duties of Excise and of Customs, that is to say,—

(*a*) the additional duties on spirits imposed by this Act; and

(*b*) such portion of the duties of Excise and of Customs imposed by section eleven of the Inland Revenue Act, 1880, and section three of the Customs and Inland Revenue Act, 1881, as amended by section three of the Customs and Inland Revenue Act, 1889, in respect of beer, as equals threepence for every thirty-six gallons,

shall be called the local taxation (Customs and Excise) duties, and the proceeds of those duties shall be divided between England, Scotland, and Ireland in the same proportions, and be paid to the same local taxation accounts, and in the like manner and subject to the like regulations of the Treasury, and shall be ascertained as to proportion and otherwise in like manner as the one-half of the proceeds of the probate duties applicable to local purposes is now by law divided, paid, and ascertained, and the proceeds so paid shall be appropriated as Parliament may hereafter direct by any Act passed in the present session.

Payment of local taxation (Customs and Excise) duties to local taxation accounts of England, Scotland, and Ireland. 43 & 44 Vict. c. 20. 44 & 45 Vict. c. 12. 52 & 53 Vict. c. 7.

**8.**—(1.) With the sanction of the Commissioners of Customs, and after such notice and at such times and under such regulations and restrictions as they may prescribe, it shall be lawful in the warehouse to render wine sparkling or effervescent by aeration or other approved process, and to bottle the same in imperial or reputed quart or pint bottles.

(2.) For the purposes of the Customs (Wine Duty) Act, 1888, wine rendered sparkling or effervescent and bottled in the warehouse shall be deemed to be sparkling wine imported in bottle, and upon delivery for home consumption shall be charged with the duty imposed on sparkling wine by the said Act, and the time when

Wine may be made sparkling in warehouse and bottled subject to duty imposed on imported sparkling wine by 51 & 52 Vict. c. 14.

the wine is entered for home consumption shall be deemed to be the time of importation.

(3.) It shall not be lawful to render any imported wine sparkling or effervescent, whether by aeration, fermentation, or any other process, except as provided by this section; and every person who contravenes this enactment, or who aids or is concerned in its contravention, shall be deemed to be knowingly dealing with goods with intent to evade a prohibition or restriction of or applicable thereto, and shall be liable accordingly to the penalties imposed by section one hundred and eighty-six of the Customs Consolidation Act, 1876; and all wine rendered or being rendered sparkling or effervescent contrary to this section by any process shall be forfeited, together with all machinery, utensils, bottles, and materials used or intended to be used in such process.

39 & 40 Vict. c. 36.

(4.) This section shall be read as if it were part of the Customs Consolidation Act, 1876.

Excise licence to apply to one set of premises only.

**9.** Every excise licence to carry on any trade or business (except the trade or business of an appraiser, auctioneer, or hawker) which shall hereafter be granted, shall only authorise the person to whom the licence is granted to carry on the trade or business mentioned therein in one set of premises to be specified in the licence.

## PART II.

### REPEAL OF DUTIES ON PLATE, AND PROVISIONS AS TO SILVER PLATE IN STOCK.

Repeal of duties on plate.

**10.** On and after the first day of May one thousand eight hundred and ninety, the stamp duties and duties of Customs on plate of gold and plate of silver shall cease to be payable, and the drawback upon the exportation of plate shall cease to be allowed.

Allowance in respect of plate of silver.

**11.**—(1.) An allowance by way of drawback according to weight shall be paid out of the Consolidated Fund or the growing produce thereof to every licensed dealer in plate who has on or before the seventh day of May one thousand eight hundred and ninety, given notice to the Commissioners of Inland Revenue in a form provided by them of his intention to claim the allowance in respect of articles of plate of silver manufactured in the United Kingdom which have not left the stock of any manufacturer or other licensed dealer in plate, provided that such articles shall have been produced to and taken account of by the proper officer of Inland Revenue, in conformity with this part of this Act, and the weight thereof shall have been ascertained in the month of June in the same year.

(2.) If the aggregate number of ounces of plate of silver in respect of which claims are sent in and proved to be valid and correct is not such that the amount required to repay the duties paid thereon would exceed the sum of one hundred and twenty thousand pounds, the whole of such duties shall be repaid, but if otherwise, that sum shall be distributed rateably amongst the claimants according to the number of ounces in respect whereof each of them has established his claim.

**12.**—(1.) Every person who has given notice of his intention to claim allowance in respect of any plate of silver must, in order to entitle him to the allowance, observe such regulations as may be made by the Commissioners of Inland Revenue for the purposes of this part of this Act, and also the following rules:— **Rules to be observed by trader on claiming allowance.**

(*a.*) He must give a further notice, in duplicate, to the proper officer of Inland Revenue, on or before the twentieth day of May one thousand eight hundred and ninety, in a form to be provided by the Commissioners, setting forth the particulars of, and the weight of silver in, each article of plate in respect whereof allowance is claimed, and where it is, and also, if the article was not manufactured by him, the name of the manufacturer from whom he purchased it, and the date of the purchase:

(*b.*) He must afterwards produce and deliver the plate for examination, in such manner and at such time and place as shall be required by the Commissioners, and must, at the same time and place, produce his stock-book, or some other evidence, to prove to the satisfaction of the Commissioners the date of manufacture or purchase of each article of plate.

(2.) Provided that if any such person shall be desirous of exporting any article of plate of silver belonging to him in respect of which an allowance might be claimed, without losing the right to the allowance he may give to the proper officer of customs twenty-four hours previous notice, in writing, setting forth the particulars of, and the weight of silver in, the article to be exported, and a certificate from such officer of the correctness of the particulars and weight and of due exportation sent to the Commissioners shall have the same effect as if an account of such article as forming part of the stock of the person had been taken for the purpose of the allowance under this Act.

(3.) Provided also, that if any such person shall sell to a person, not being a licensed dealer in plate, any article of plate, or any combination of articles usually sold in a set, or any number of knives, or forks, or spoons, not less than a dozen at one time, and such article, or combination of articles, or knives, or forks, or spoons contain a weight or aggregate weight of silver not less than five ounces, he may, before delivery of the article or articles sold, give to the proper officer of Inland Revenue notice in writing setting forth the particulars of and the weight of silver in such article or articles, and his desire that an account of the same should be taken by such officer, so that delivery may not be unduly delayed, and a certificate from such officer of the correctness of the particulars and weight and of the fact of sale sent to the Commissioners shall have the same effect as if an account of such article or articles, as forming part of the stock of the person, had been taken for the purpose of the allowance under this Act.

**13.**—(1.) When an account for the purpose of the allowance under this Act has been taken of any plate of silver belonging to any person, the proper officer of Inland Revenue shall give to him a certificate specifying the weight of silver for which he is entitled to allowance, and the certificate shall be final as against such person. **Mode of payment of allowance.**

(2.) Upon the production of the certificate to the proper collector of Inland Revenue, together with a statutory declaration by such person (which may be made before such collector), in the form set forth in the First Schedule to this Act the collector shall pay to such person the sum to which he is entitled according to the terms of the certificate on or within six days after the fifteenth day of July one thousand eight hundred and ninety.

(3.) If any person shall knowingly make any alteration in any certificate, or make use, or attempt to make use, of any untrue certificate, or shall make any false statement in any such declaration, he shall, in addition to any other liability, incur a fine of five hundred pounds, which shall be recoverable as a fine imposed by an enactment relating to the Revenue of Excise.

Officer may enter premises of trader.

**14.**—(1.) It shall be lawful for any officer of Inland Revenue, and any person acting in his aid or assistance, at any time before the certificate is granted, to enter every house or other place where any plate of silver in respect of which an allowance has been claimed is deposited, and inspect and examine the same.

(2.) Every person who shall claim allowance shall, in order to entitle him thereto, with his servants and workmen and scales and weights, whenever required by an officer, aid and assist in the examination and taking account of the plate, and shall also, if required so to do, draw, bore, unsolder, or dismount any filled or mounted article of plate.

(3.) If any person shall obstruct or hinder an officer in the execution of any of the powers conferred by this Act, or any person acting in his aid or assistance, or shall practise any fraud or contrivance with intent to deceive any such officer or person in taking any such account as aforesaid, he shall forfeit the plate in respect of which the offence is committed, and also his claim to any allowance under this Act.

Traders who have sold plate as duty paid to deduct or repay the allowance.

**15.** Every person who shall have contracted to sell or deliver any plate as duty paid, but in respect of which duty is not payable or an allowance is claimed by virtue of this Act, shall deduct from the purchase money, or if the purchase money has been paid, shall repay the amount of the duty which would have been payable if this Act had not been passed, or of any allowance granted to him in respect of such plate.

Power to close assay offices.

**16.** If the Commissioners of Inland Revenue require the production and delivery of plate for examination at any assay office, the office may, notwithstanding any enactment to the contrary, be kept closed so that no plate can be taken in for assay during such time as may be necessary.

Saving clause.

**17.**—(1.) Notwithstanding the repeal of the duties by this part of this Act the articles of gold or silver which would have been free from liability to assay by reason of exemption from duty if this Act had not been passed shall continue free from that liability.

(2.) No action shall be brought against the Commissioners or any of their officers, or any person acting in their aid or assistance, for any expenses incurred in the production, removal, or detention of plate, or for any loss or damage whatever to any plate produced for examination pursuant to this Act.

## PART III.

### STAMPS.

**18.** In the construction of the proviso to subsection two of section twelve of the Customs and Inland Revenue Act, 1888, a security, transferable by delivery, given in substitution for a security so transferable, shall be deemed to be duly stamped with the duty of one shilling for every ten pounds, and also for any fractional part of ten pounds of the money thereby secured in conformity with the Customs and Inland Revenue Act, 1885, if it is stamped as a substituted security in conformity with the last-mentioned Act, and also bears an impressed stamp denoting that the security for which it was substituted was duly stamped as aforesaid.

Construction of 51 & 52 Vict. c. 8. s. 12.

48 & 49 Vict. c. 51.

**19.** In lieu of the ad valorem stamp duty now payable upon an instrument of apprenticeship where there is a premium or consideration the stamp duty payable shall be two shillings and sixpence.

Reduction of duty on certain apprenticeship indentures.

**20.** The stamp duty payable upon a policy of insurance for any payment or periodical payments agreed to be made during the sickness of any person or his incapacity from personal injury shall be one penny, and no further duty shall be payable upon any policy of insurance chargeable with duty under the Stamp Act, 1870, by reason of the same extending to any payment to be made during sickness or such incapacity.

Duty on sickness policies.

33 & 34 Vict. c. 97.

**21.** No stamp duty shall be chargeable upon a bill of exchange drawn in the United Kingdom for the sole purpose of remitting money to be placed to any account of public revenue.

Exemption of revenue remittance bills.

## PART IV.

### TAXES.

**22.**—(1.) There shall be charged, collected, and paid for the year which commenced on the sixth day of April one thousand eight hundred and ninety, in respect of all property, profits, and gains mentioned or described as chargeable in the Act of the sixteenth and seventeenth years of Her Majesty's reign, chapter thirty-four, the following duties of income tax; (that is to say,)

Grant of duties of income tax.

For every twenty shillings of the annual value or amount of property, profits, and gains chargeable under Schedules (A.), (C.), (D.), or (E.) of the said Act, the duty of sixpence.

And for every twenty shillings of the annual value of the occupation of lands, tenements, hereditaments, and heritages chargeable under Schedule (B.) of the said Act—

In England, the duty of threepence;

In Scotland and Ireland respectively, the duty of twopence farthing.

(2.) All such provisions contained in any Act relating to income tax as were in force on the fifth day of April one thousand eight hundred and ninety shall have full force and effect with respect to the duties of income tax hereby granted, so far as the same are consistent with this Act.

Relief to trading or professional persons and farmers in case of losses.

**23.**—(1.) Where any person shall sustain a loss in any trade, manufacture, adventure, or concern, or profession, employment, or vocation carried on by him either solely or in partnership, or in the occupation of lands for the purpose of husbandry only, it shall be lawful for him, upon giving notice in writing, to the surveyor of taxes for the district within six months after the year of assessment, to apply to the Commissioners for the general purposes of the Acts relating to income tax for an adjustment of his liability by reference to the loss and to the aggregate amount of his income for that year estimated according to the several rules and directions of the said Acts.

(2.) The said Commissioners shall, on proof to their satisfaction of the amount of the loss, and of the payment of income tax upon the aggregate amount of income, give a certificate authorising repayment of so much of the sum paid for income tax as would represent the tax upon income equal to the amount of loss, and such certificate may extend to give exemption or relief by way of abatement in accordance with the provisions of the said Acts. Upon the receipt of the certificate the Commissioners of Inland Revenue shall cause repayment to be made in conformity therewith.

(3.) If any person shall be guilty of any fraud or contrivance in making any application under this section, or in obtaining any such adjustment or certificate as aforesaid, he shall forfeit the sum of fifty pounds, to be recoverable as a penalty imposed by virtue of the Taxes Management Act, 1880.

43 & 44 Vict. c. 19.

(4.) Where repayment has been made to a person in any year under the provisions of this section, he shall not be entitled to claim, or be allowed, a deduction on the assessment for a subsequent year by reference to the amount of loss in respect whereof such repayment has been obtained.

Assessments on estate of deceased persons.

**24.** Where any person shall die after the passing of this Act without having made a return of all his profits and gains chargeable to income tax with a view to an assessment thereon in due course, an assessment in respect of the profits and gains which arose or accrued to him before his death may be made at any time within the year of assessment, or within four months after the expiration thereof, upon his executors or administrators, and the amount thereof shall be a debt due from and payable out of his estate.

Inhabited house duty reduced as respects houses of small annual value.

**25.**—(1.) From and after the fifth day of April one thousand eight hundred and ninety as respects England, and from and after the twenty-fourth day of May in the same year as respects Scotland, the duty payable upon an inhabited dwelling-house under the Act of the fourteenth and fifteenth years of Her Majesty's reign, chapter thirty-six, at the rate of sixpence for every twenty shillings of the annual value of the house, with the household and other offices, yards, and gardens therewith occupied is, in case such annual value shall not exceed forty pounds, hereby reduced to the rate of twopence, and is, in case such annual value shall exceed forty pounds and shall not exceed sixty pounds, hereby reduced to the rate of fourpence.

(2.) And from and after the said days respectively the duty payable upon an inhabited dwelling-house under the said Act at the rate of ninepence for every twenty shillings of the annual value of the house, with the household and other offices, yards, and gardens therewith occupied is, in case such annual value shall not exceed forty pounds, hereby reduced to the rate of threepence, and is, in case such annual value shall exceed forty pounds and shall not exceed sixty pounds, hereby reduced to the rate of sixpence.

**Reduction of inhabited house duty in the case of lodging-houses and exemption of houses for artizans dwellings.**

**26.**—(1.) Where any dwelling-house chargeable to inhabited house duty under the said Act of the fourteenth and fifteenth years of Her Majesty's reign, chapter thirty-six, at the rate of ninepence, or at the reduced rate of sixpence or threepence, according to this Act, for every twenty shillings of annual value is occupied in any year by a person for the main purpose of letting furnished lodgings therein as a means of livelihood, it shall be lawful for such person before the first day of July to register his name in a list of lodging-house keepers to be kept by the clerk to the Commissioners acting in the execution of the Acts relating to the inhabited house duties, and, after such registration and before the first day of October to make application to the said Commissioners for the reduction of the rate of charge of inhabited house duty from ninepence to sixpence, or for the further reduction of the reduced rate of sixpence to fourpence, or of threepence to twopence, and on due proof of the facts to the satisfaction of the said Commissioners they shall cause the charge or amount for such year to be reduced or amended accordingly.

(2) The assessment to inhabited house duty of any house originally built or adapted by additions or alterations and used for the sole purpose of providing separate dwellings for persons at rents not exceeding for each dwelling the rate of seven shillings and sixpence a week, and occupied only by persons paying such rents, shall be discharged by the said Commissioners, provided that a certificate of the medical officer of health for the district in which the house is situate or other medical practitioner appointed as herein-after provided, shall be produced to them to the effect that the house is so constructed as to afford suitable accommodation for each of the families or persons inhabiting it, and that due provision is made for their sanitary requirements. The medical officer of health of a district on request by the person who would be liable to pay the house duty on any house in the district, if the duty were not discharged as aforesaid, shall examine the house for the purpose of ascertaining whether such a certificate can properly be given, and if the house be constructed so as to afford such accommodation and due provision be made as aforesaid, shall certify the same accordingly; provided that the authority, if they are of opinion that the duties which would devolve on the medical officer of health under this section could not be performed by him without interference with the due performance of his ordinary duties, may appoint some other legally qualified medical practitioner having the qualification required for office of medical officer of health of the district to make such examinations and give such certificates as aforesaid.

As respects Scotland the expression "medical officer of health" means a medical officer within the meaning of the Public Health (Scotland) Act, 1867.

30 & 31 Vict. c. 101.

Amendment of s. 6 of 47 & 48 Vict. c. 62.

**27.** No alteration of any parish or place for the purposes of poor law administration shall take effect under section six of the Revenue Act, 1884, during the continuance of assessments according to the sums charged in the preceding year; and that section is amended with regard to the places herein-after mentioned, as follows:—

Inns of Court.

(*a.*) The section shall be read as if the Inner Temple, Middle Temple, Lincoln's Inn, and Gray's Inn, and Inns of Chancery thereunto respectively belonging, had been excluded from its operation.

Lambeth.

(*b.*) Subsection two of the section shall not apply to the parish of Lambeth, in the county of London, but that parish shall, for the purposes of the duties of income tax and of the duties on inhabited houses and the collection thereof, be divided into the two parts for which separate jurisdictions existed on the fifth day of April one thousand eight hundred and eighty-six, and each of these parts shall for those purposes be deemed to be a parish or place, and shall be within the jurisdiction of the General Commissioners who had on that day jurisdiction therein.

Assessment of Universities of Oxford and Cambridge.

**28.** Notwithstanding any enactment to the contrary, the assessment and collection of the duties of income tax, and of the duties on inhabited houses within the Universities of Oxford and Cambridge, shall be deemed to have been as from the fifth day of April one thousand eight hundred and eighty-six, and shall be subject to the provisions following; (that is to say,)

(*a.*) Any college or hall for the time being attached to or associated with the University of Oxford, and all offices and employments in connexion therewith, and persons residing therein shall be within the jurisdiction of the General Commissioners for that university:

(*b.*) The General Commissioners for the University of Cambridge shall be the commissioners for the said duties in respect of all the university buildings, and the colleges, halls, and public hostels for the time being attached to or associated with that university, and of all offices and employments in connexion therewith, and of the profits or gains of all persons residing therein:

(*c.*) Each of the said jurisdictions shall be deemed to be one parish or place for the purposes of assessment and collection.

Assessment of income tax under Schedules (A.) and (B.), and of the inhabited house duties for the year 1890-91.

**29.**—(1.) The sum charged as the annual value of any property elsewhere than in the metropolis as defined by the Valuation (Metropolis) Act, 1869, in the assessment of income tax thereon for the year which commenced on the sixth day of April one thousand eight hundred and eighty-nine shall be taken as the annual value of such property for the assessment and charge thereon of the duties of income tax hereby granted under Schedules (A.) and (B.).

(2.) The sum charged as the annual value of every inhabited house elsewhere than in the said metropolis made thereon for the year which commenced as respects England on the sixth day of April one thousand eight hundred and eighty-nine, and as respects Scotland on the twenty-fifth day of May one thousand eight hundred and eighty-nine, shall be taken as the annual value of the inhabited house for the assessment and charge thereon of the duties on inhabited houses as respects England for the year which commenced on the sixth day of April one thousand eight hundred and ninety, and as respects Scotland for the year commencing on the twenty-fifth day of May one thousand eight hundred and ninety. 32 & 33 Vict. c. 67.

(3.) The inspectors or surveyors of taxes shall be the assessors of the said duties of income tax under Schedules (A.) and (B.), and of the said duties on inhabited houses.

**30.** In order to ensure the collection in due time of any duties of income tax which may be granted for any year commencing on the sixth day of April, all such provisions contained in any Act relating to income tax as were in force on the preceding day shall have full force and effect with respect to the duties of income tax which may be so granted in the same manner as if the said duties had been actually granted by Act of Parliament, and the said provisions had been applied thereto by the Act. Provisions of Income Tax Acts to apply to duties to be granted for succeeding year.

## PART V.

### METHYLATED SPIRITS.

**31.**—(1.) A drawback of the duty payable on spirits shall not be allowed in respect of any duty-paid spirits used for methylation by a rectifier or any other person after the thirtieth day of June one thousand eight hundred and ninety, and section one hundred and seventeen of the Spirits Act, 1880, is hereby repealed as from that day. Exemption of methylated spirits from duty. 43 & 44 Vict. c. 24.

(2.) Methylated spirits shall, subject to the provisions of the Spirits Act, 1880, as amended by this Act, be exempt from duty.

**32.**—(1.) The substance mixed with spirits for the purpose of methylation may be any combination of substances approved for the purpose by the Commissioners; and the term "methylated spirits" in the Spirits Act, 1880, shall, in lieu of the meaning thereby assigned to it, mean spirits mixed with any substance or combination of substances approved for the purpose of methylation by the Commissioners. Amendment of 43 & 44 Vict. c. 24.

(2.) An authorised methylator may supply methylated spirits in vessels containing not less than a reputed quart, provided that the quantity supplied by the methylator to any one person at a time is not less than five gallons.

(3.) In any mixture of methylated spirits with gum resin the quantity of gum resin shall not be less than three ounces in every gallon of the mixture.

**33.**—(1.) If any person authorised to make or sell methylated spirits or to receive methylated spirits for use in any art or manufacture shall not observe any prescribed regulation he shall, in addition to any other fine or liability, incur a fine of fifty pounds. Penalty for breach of regulations.

(2.) If any person licensed to use a still or retort is convicted of any offence whatsoever in relation to methylated spirits the Commissioners may suspend or revoke his licence.

Customs provisions.

**34.** Methylated spirits may be exported subject to such regulations as may be prescribed by the Commissioners of Customs, and, with the permission of the said Commissioners, spirits may be methylated in a Customs warehouse.

Construction of part.

**35.** This part of this Act shall be construed as one with the Spirits Act, 1880.

Repeal of enactments.

**36.** The enactments specified in the Second Schedule to this Act are hereby repealed to the extent specified in the third column of that schedule.

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## SCHEDULES.

Section 13.

### FIRST SCHEDULE.

STATUTORY DECLARATION IN RESPECT OF ALLOWANCE UPON SILVER PLATE.

I, , of , hereby solemnly declare—

1. That all duties have been paid upon the plate produced by me for examination in respect whereof the certificate hereunto annexed marked A. was given.

2. That no part of such plate has been examined or taken account of more than once for the purpose of obtaining an allowance under the provisions of the Customs and Inland Revenue Act, 1890.

3. That the plate was manufactured in the United Kingdom, and had not, at the time when the account was taken, ever been used, and was at the time of such account in my custody and possession as my property in trade.

4. That the statements in the notices delivered by me in pursuance of the said Act and in the certificate are true, and that no fraud was practised upon the officer taking the account.

Declared before me the day of one thousand eight hundred and ninety.

Section 36.

### SECOND SCHEDULE.

ENACTMENTS REPEALED.

| Session and Chapter. | Title. | Extent of Repeal. |
|---|---|---|
| 31 Geo. 2. c 32. | An Act for repealing the duty granted by an Act made in the sixth year of the reign of His late Majesty, on silver plate made, wrought, touched, assayed, or marked in Great Britain; and for granting a duty on licences to be taken out by all persons dealing in gold or silver plate; and for discontinuing all drawbacks upon silver plate exported; and for more effectually preventing frauds and abuses in the marking or stamping of gold or silver plate. | The whole Act. |

| Session and Chapter. | Title. | Extent of Repeal. |
|---|---|---|
| 32 Geo. 2. c. 24. | An Act to amend an Act made in the last session of Parliament, for repealing the duty granted by an Act made in the sixth year of the reign of His late Majesty on silver plate; and for granting a duty on licences to be taken out by all persons dealing in gold or silver plate, by permitting the sale of gold or silver plate in small quantities without licence; and by granting a duty instead of the duty now payable upon licences to be taken out by certain dealers in gold or silver plate; and also a duty upon licences to be taken out by pawnbrokers dealing in gold or silver plate, and refiners of gold or silver. | The whole Act. |
| 24 Geo. 3. sess. 2. c. 53. | An Act for granting to His Majesty certain duties on all gold and silver plate imported; and also certain duties on all gold and silver wrought plate made in Great Britain. | The whole Act. |
| 25 Geo. 3. c. 64. | An Act for altering and amending an Act, made in the last session of Parliament, intituled An Act for granting to His Majesty certain duties on all gold and silver plate imported, and also certain duties on all gold and silver wrought plate made in Great Britain. | The whole Act. |
| 52 Geo. 3. c. 59. | An Act for allowing on the exportation of manufactured plate, for the private use of persons residing or going to reside abroad, the same drawback as is now allowed on the exportation of such plate by way of merchandize. | The whole Act. |
| 55 Geo. 3. c. 185. | An Act for repealing the stamp office duties on advertisements, almanacks, newspapers, gold and silver plate, stage coaches, and licences for keeping stage coaches now payable in Great Britain; and for granting new duties in lieu thereof. | The whole Act. |
| 1 Geo. 4. c. 14. | An Act to repeal the drawback on certain gold articles exported, and to permit the exportation of cordage, entitled to bounty, free from right of pre-emption by the commissioners of the navy. | The whole Act. |
| 4 & 5 Vict. c. 56. | An Act for taking away the punishment of death in certain cases, and substituting other punishment in lieu thereof. | The whole Act. |

| Session and Chapter. | Title. | Extent of Repeal. |
|---|---|---|
| 7 & 8 Vict. c 22. | An Act to amend the laws now in force for preventing frauds and abuses in the marking of gold and silver wares in England. | Section five in part, namely, from "and the duty" to "thereof," and from "and to receive" to "thereto only," and section ten from the second "or where" to the last "duties." |
| 12 & 13 Vict. c. 80. | An Act to repeal the allowances on the purchase of stamps and for the receiving and accounting for the duties on gold and silver plate, and to grant other allowances in lieu thereof. | The whole Act. |
| 17 & 18 Vict. c. 96. | An Act for allowing gold wares to be manufactured at a lower standard than that now allowed by law, and to amend the law relating to the assaying of gold and silver wares. | Section three. |
| 29 & 30 Vict. c. 64. | An Act to amend the laws relating to the Inland Revenue. | Section fifteen. |
| 39 & 40 Vict. c. 35. | The Customs Tariff Act, 1876 - | So much of section one and the schedule as relate to the duties upon plate, and sections three to six. |
| 43 & 44 Vict. c. 24. | The Spirits Act, 1880 - - | Section one hundred and twenty-three in part, namely, the words "in an excise warehouse" in subsection two. |
| 46 & 47 Vict. c. 55. | The Revenue Act, 1883 - - | Section ten in part, namely, from after the first "customs" to "duty" in subsection two, the words "the duty and" in subsection four, the words "free of duty" in subsection seven, and the sentence commencing "Where" in subsection ten. |
| 47 & 48 Vict. c. 62. | The Revenue Act, 1884 - - | Section four in part, namely, from "subject" to "customs." |

# CHAPTER 9.

## An Act to amend the Merchant Shipping Acts relating to Load-line. [9th June 1890.]

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Compulsory marking of load-line.

1. The Merchant Shipping Act, 1876, shall, from and after the expiration of six months after the passing of this Act, be construed as if in the twenty-sixth and twenty-seventh sections thereof the following sub-section were inserted instead of the sub-sections numbered (2) in those sections respectively:

"(2.) The centre of this disc shall be placed at such level below the deck-line marked under the provisions of this Act as may be approved by the Board of Trade, and shall indicate the maximum load-line in salt water to which it shall be lawful to load the ship."

Provided that the position of the disc shall be fixed in accordance with the tables framed by the Load Line Committee appointed before the passing of this Act, subject to such allowance as may be made necessary by any difference between the position of the deck-line marked under the provisions of the Merchant Shipping Act, 1876, and the position of the line from which freeboard is measured under the said tables, and subject also to such modifications, if any, of the tables and the application thereof as may from time to time be sanctioned by the Board of Trade.

39 & 40 Vict. c. 80.

In sanctioning any such modifications the Board of Trade shall have regard to any representations which may be made to them by any corporation or association for the survey or registry of shipping for the time appointed or approved by the Board of Trade for the purposes of this Act.

Regulations.

2.—(1.) The Board of Trade shall appoint the Committee of Lloyd's Register of British and Foreign Shipping, or, at the option of the owner of the ship, any other corporation or association for the survey or registry of shipping, approved by the Board of Trade, or any officer of the Board of Trade specially selected by the Board for that purpose, to approve and certify on their behalf from time to time the position of any such disc as aforesaid, and any alteration thereof, and may appoint fees to be taken in respect of any such approval or certificate.

(2.) The Board of Trade may make regulations—

(*a*) determining the lines or marks to be used in connexion with the disc, in order to indicate the maximum load-line under different circumstances and at different seasons, and declaring that the provisions of the Merchant Shipping Act, 1876, are to have effect as if any such line were drawn through the centre of the disc;

(*b*) as to the mode in which the disc and the lines or marks to be used in connexion therewith are to be marked or affixed on the ship, whether by painting, cutting, or otherwise;

(*c*) as to the mode of application for, and form of certificates under this Act; and

(*d*) requiring the entry of such certificates, and other particulars as to the draught of water and freeboard of the ship, in the official log-book of the ship, or other publication thereof on board the ship, and as to delivering copies of such entries.

All such regulations shall, while in force, have effect as if enacted by this Act.

Provision as to colonial ships.

**3.** Where the legislature of any British possession by any enactment provides for the fixing, marking, and certifying of load-lines on ships registered in that possession, and it appears to Her Majesty the Queen that the provisions of that enactment are based on the same principles as the provisions of this Act, and are equally effective for ascertaining and determining the maximum load-lines to which such ships can be safely loaded in salt water, and for giving notice of the load-line to persons interested, it shall be lawful for Her Majesty, by Order in Council, to declare that any load-line fixed and marked and any certificate given in pursuance of that enactment shall, with respect to ships so registered, have the same effect as if it had been fixed, marked, or given in pursuance of this Act.

Sections one and two of this Act shall not apply in the case of a ship registered in a British possession until the expiration of twelve months after the passing of this Act.

Provision as to foreign ships

**4.** Where the Board of Trade certify that the laws and regulations for the time being in force in any foreign state with respect to overloading and improper loading are equally effective with the provisions of the Merchant Shipping Acts with respect thereto, it shall be lawful for Her Majesty by Order in Council to direct that, on proof of a ship of that state having complied with those laws and regulations, she shall not, when in a port of the United Kingdom, be liable to detention for non-compliance with the said provisions of the Merchant Shipping Acts, nor shall there arise any liability to any penalty which would otherwise arise for non-compliance with those provisions.

Provided that this section shall not apply in the case of ships of any foreign country in which it appears to Her Majesty that corresponding provisions are not extended to British ships.

Definition of "amidships."

**5.** For the purposes of the Merchant Shipping Act, 1876, as amended by this Act, the expression "amidships" shall mean the middle of the length of the load water-line as measured from the fore side of the stem to the aft side of the stern-post.

Short title.

**6.** This Act may be cited as the Merchant Shipping Act, 1890.

# CHAPTER 10.

## An Act to amend the Herring Fishery (Scotland) Act, 1889. [4th July 1890.]

WHEREAS it is expedient to amend certain provisions of the Act fifty-two and fifty-three Victoria, chapter twenty-three, intituled "An Act to amend the Herring Fishery (Scotland) Acts; "and for other purposes relating thereto": 52 & 53 Vict. c. 23.

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

**1.** This Act may be cited as the Herring Fishery (Scotland) Act Amendment Act, 1890. Short title.

**2.** This Act shall be read and construed as part of the Herring Fishery (Scotland) Act, 1889. Construction.

**3.** The third sub-section of the sixth section of the Herring Fishery (Scotland) Act, 1889, is hereby repealed, and in place thereof the following provision shall have effect: Repeal.

Any person who uses any method of fishing in contravention of the sixth section of the Herring Fishery (Scotland) Act, 1889, or of any byelaw of the Fishery Board duly confirmed, shall be liable, on conviction under the Summary Jurisdiction (Scotland) Acts, to a fine not exceeding one hundred pounds, and failing immediate payment of the fine, to imprisonment for a period not exceeding sixty days, without prejudice to diligence by poinding or arrestment, if no imprisonment has followed on the conviction, and every net set, or attempted to be set, in contravention of this section shall be forfeited, and may be seized and destroyed or otherwise disposed of by any superintendent of the herring fishery or other officer employed in the execution of the Herring Fishery (Scotland) Acts. Penalty for contravention of 52 & 53 Vict c. 23. s. 6.

# CHAPTER 11.

## An Act to amend the Law relating to Municipal Elections in certain Burghs in Scotland. [4th July 1890.]

WHEREAS it is expedient to amend the law relative to municipal elections in certain burghs in Scotland:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

**1.** This Act may be cited as the Municipal Elections (Scotland) Act, 1890. Short title.

**2.** Where the powers and provisions of the General Police and Improvement (Scotland) Act, 1862, have been adopted in whole or in part in any royal burgh, burgh of regality, or burgh of barony the municipal boundaries of which have at any time been lawfully extended for police purposes, and where under the provisions of Election of town councillors. 25 & 26 Vict. c. 101.

the said Act the magistrates and council of the burgh are the commissioners and magistrates of police, the householders in any such burgh so extended shall, from and after the passing of this Act, be entitled to vote for or be elected as town councillors in such burgh, any charter or statute to the contrary notwithstanding.

First election.

3. The first election in any burgh of regality or burgh of barony coming under the provisions of this Act shall take place on the first Tuesday of November immediately subsequent to the passing of this Act, and the magistrates and council then in office shall continue in office until the said election has taken place, and all matters relating to the preparation of the list of householders, the proceedings relative to or connected with the conduct of the election, the subsequent annual retirement of councillors, and the election of magistrates shall be regulated under the provisions relating to the first election of commissioners in a burgh under the said General Police and Improvement (Scotland) Act, 1862, and Acts affecting and amending the same.

Proportion of retiring councillors.

4. Where in any such burgh the number of councillors fixed by the set or usage of such burgh renders it impossible that one third of their number shall go annually out of office, then, and in that case only, a number as near as may be to one third of the whole council shall go annually out of office.

# CHAPTER 12.

## An Act for providing Money for defraying Costs, Charges, and Expenses incurred and to be incurred by the Drainage Board for the River Suck Drainage District.

[4th July 1890.]

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Short title.

1. This Act may be cited as the River Suck Drainage (Provision of Funds) Act, 1890.

Provision of money.

2.—(1.) The costs, charges, and expenses before or after the passing of this Act incurred by the drainage board for the River Suck Drainage District, which was constituted a separate drainage district by a Provisional Order dated the twenty-seventh day of February one thousand eight hundred and seventy-eight, and made by the Commissioners of Public Works in Ireland (in this Act called "the Commissioners"), in pursuance of the Drainage and Improvement of Lands Act (Ireland), 1863 (in this Act called "the Act of 1863"), and the Acts amending the same and confirmed by the Drainage and Improvement of Lands Supplemental Act (Ireland), 1878 (which drainage board is in this Act called "the Board"), and authorised by the Act of 1863, and the Acts amending the same, to be defrayed by the Board, shall in part be defrayed out of money to be provided by Parliament as a free grant to an amount not exceeding in the whole fifty thousand pounds.

26 & 27 Vict. c. 88.

41 Vict. c. xxxviii.

(2.) Every sum from time to time appropriated under the River Suck Drainage Act, 1889, or this Act for the purpose of defraying any part of such costs, charges, and expenses shall be so provided and advanced either by way of grant or by way of loan, or partly in one way and partly in the other, as the Treasury may direct. 52 & 53 Vict. c. ccv.

(3.) Advances on account of the said grant and loan may be made from time to time to the Board in such manner and on such conditions respecting the works to be executed and the mode and order of executing the same and otherwise as the Treasury may prescribe.

**3.** All advances made by the Commissioners by way of loan to the Board before or after the passing of this Act shall, notwithstanding anything in any other Act, bear interest at the rate of three and a quarter per cent. per annum, and all such advances and the interest thereon shall be repaid by annuities of four pounds ten shillings for every one hundred pounds advanced payable half-yearly during the term of forty years, to be secured in the manner mentioned in any Act now or hereafter to be passed for the execution or completion of works for the drainage of the district. Interest on loans.

# CHAPTER 13.

## An Act to amend the Electric Lighting Acts, 1882 and 1888. [4th July 1890.]

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

**1.** The schedule annexed to this Act shall be substituted for so much of the schedule annexed to the Electric Lighting Act, 1882, as relates to Scotland, and any reference in the principal Act to such last-mentioned schedule shall, as respects Scotland, be construed as a reference to the schedule to this Act. Amendment of schedule of 45 & 46 Vict. c. 56.

**2.** Where the district of any police commissioners or town council is also within the jurisdiction or limits of any gas commissioners, the police commissioners, or where they are the local authority the town council, may appoint the gas commissioners to be the local authority for such district for the purposes of the principal Act, and after the publication of such appointment in the Edinburgh Gazette the gas commissioners shall be the local authority for such district accordingly. Delegation by certain local authorities.

An appointment under the provisions of this section shall not be made without the consent of the gas commissioners, which consent they are hereby authorised to give, and such appointment shall not be made or consent given except by resolution to be passed at a special meeting of the police commissioners, or town council, or gas commissioners, as the case may be, held after one month's previous

notice of the same, and of the purpose thereof, has been given in the manner in which notices of meetings of such authority or body are usually given. Provided that during one month next after the passing of this Act any such special meeting may be held after three clear days' previous notice as aforesaid.

Provided always that where the jurisdiction or limits of any gas commissioners include the districts of more than one body of police commissioners or town council, any appointment of the gas commissioners under this section shall not be made except by resolution to be passed as aforesaid by each such body of police commissioners or town council, as the case may be, and after such publication as aforesaid the gas commissioners shall be the local authority for all such districts so included.

Provided further that, where the police commissioners are by this Act the local authority, any consent or resolution already given or passed by them to the effect that the gas commissioners shall promote or obtain any provisional order in the present session of Parliament shall, for the purposes of this Act, be a sufficient appointment of such gas commissioners under the provisions of this Act.

Validation of notices, &c. for present session.

**3.** All notices and other documents served upon any police commissioners, town council, or gas commissioners, and all things done by or to any of the said authorities under the provisions of the principal Act or of the rules made by the Board of Trade thereunder for the purposes of provisional orders intended to be submitted to Parliament for confirmation during the present session of Parliament, shall be of the same validity as if the authority in question had been the local authority constituted by this Act, and in the case of any application made before the passing of this Act by any body constituted the local authority by or under this Act, the Board of Trade may entertain such application although the same has not been made in pursuance of a resolution passed at a special meeting of the said authority according to the provisions of the Electric Lighting Act, 1882.

Interpretation.

**4.** In this Act—

The expression "police commissioners" includes any trustees exercising the functions of police commissioners under any general or local Act.

The expression "gas commissioners" means any public commissioners or board empowered by any local Act to supply gas, but does not include any police commissioners or town council empowered by any general or local Act to supply gas.

The expression "the principal Act" means the Electric Lighting Acts, 1882 and 1888, and any other Acts or parts of Acts incorporated therewith.

Saving.

**5.** Nothing in this Act shall affect any licence, order, or special Act granted, confirmed, or passed, before the passing of this Act.

Short title and extent.

**6.** This Act may be cited as the Electric Lighting (Scotland) Act, 1890, and shall be construed as one with the principal Act, but shall extend only to Scotland.

# SCHEDULE.

| District of Local Authorities. | Description of Local Authority of District set opposite its Name | The Local Rate. | Security upon which Loans are to be contracted. | Authority whose Consent is required to Borrowing by Local Authority. | Provisions and Restrictions as to Borrowing and the Repayment of Loans. | Mode of Audit of Accounts of Local Authority. |
|---|---|---|---|---|---|---|
| Places within the jurisdiction of any police commissioners or town council empowered by any general or local Act to supply gas | The police commissioners or town council as the case may be. | The gas rates leviable and gas rents and other revenues receivable under the general or local Act. | The local rate as herein described. | The Secretary for Scotland | Those contained in the general or local Act. | That prescribed by the general or local Act. |
| Places within the jurisdiction of any police commissioners not being empowered by any general or local Act to supply gas. | The police commissioners | The police or burgh assessment, or rate of a nature of a burgh assessment | The local rate as herein defined. | The Secretary for Scotland | Those contained in section eighty six of the Public Health (Scotland) Act, 1867. | That prescribed by the Local Police Act, or, when there is no such Act, by sections seventy-seven and seventy-eight of the General Police and Improvement (Scotland) Act, 1862, provided that the expression "commissioners" shall include town council |
| Places within the jurisdiction of any town council not empowered by any general or local Act to supply gas such places not being subject to the jurisdiction of police commissioners. | The town council | | | | | |
| Places within the jurisdiction of any police commissioners or town council, and also within the jurisdiction or limits of any gas commissioners. | The gas commissioners, if so appointed under the provisions of this Act. | The gas rates leviable and gas rents and other revenues receivable by the gas commissioners. | The local rate as herein defined, and the rates, charges, and other securities provided by the local Act under which the said commissioners supply gas. | The Secretary for Scotland. | Those contained in the local Act with respect to the borrowing of money for the purposes thereof. | That prescribed by the local Act. |
| Any county or part thereof over which the jurisdiction of police commissioners or of a town council does not extend. | The county council | The consolidated county rates. | The local rate as herein defined. | The Secretary for Scotland. | Those contained in section sixty-seven of the Local Government (Scotland) Act, 1889. | That prescribed by sections sixty-eight to seventy of the Local Government (Scotland) Act, 1889. |

# CHAPTER 14.

An Act for conferring further Powers under the Contagious Diseases (Animals) Acts, 1878 to 1886, with respect to Pleuro-pneumonia. [4th July 1890.]

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Slaughter by Board of Agriculture in cases of pleuro-pneumonia, and payment of compensation.

1.—(1.) The Board of Agriculture shall cause to be slaughtered all cattle affected with pleuro-pneumonia.

(2.) The Board of Agriculture may, if they think fit, in any case cause to be slaughtered:—

(*a.*) any cattle suspected of being affected with pleuro-pneumonia; and

(*b.*) any cattle which are or which have been in the same field, shed, or other place, or in the same herd or otherwise in contact with cattle affected with pleuro-pneumonia, or which appear to the Board to have been in any way exposed to the infection of pleuro-pneumonia.

41 & 42 Vict. c. 74. s. 21.

(3.) There shall be paid such compensation for animals slaughtered under this section as is specified in section twenty-one of the principal Act.

(4.) Where the Board of Agriculture have decided that any head of cattle is to be slaughtered under this section, the Board shall, if the owner of such head of cattle by notice in writing so require, cause the same to be slaughtered within twenty-one days after the receipt of such notice.

(5.) The Board of Agriculture may, for the purposes of the execution of this Act, employ such additional inspectors, valuers, and other persons, and at such remuneration, and may incur such expenses as, subject to the sanction of the Treasury, they think necessary.

As to expenses of Act in Great Britain.

2.—(1.) For the purposes of this Act, so far as the same relates to Great Britain, there shall be opened an account at the Bank of England (in this Act referred to as the Cattle Pleuro-pneumonia Account for Great Britain).

(2.) There shall be paid to the said Account:

(*a.*) such moneys (not exceeding one hundred and forty thousand pounds in any one year) as may be provided by Parliament towards defraying the costs of the execution of this Act in Great Britain; and

(*b.*) all sums received by the Board of Agriculture on the sale of the carcases of cattle slaughtered under this Act, after deducting any amounts payable to the owners of such cattle under the third sub-section of section thirty of the principal Act.

(3.) The costs of the execution of this Act in Great Britain shall be paid by the Board of Agriculture out of the moneys standing to the Cattle Pleuro-pneumonia Account for Great Britain.

(4.) If in any financial year the money standing to that Account is insufficient to defray the costs of the execution of this Act in Great Britain, the Local Government Board and the Secretary for Scotland shall, out of the Local Taxation Account and the Local Taxation (Scotland) Account respectively, pay to the Cattle Pleuro-pneumonia Account for Great Britain in the proportions provided by this Act, such additional sums as may be certified by the Board of Agriculture to be required for defraying such costs.

**Information by inspector of local authority.**

**3.** The inspector of the local authority who has made a declaration and served a notice under section sixteen of the principal Act, shall, in addition to the duties imposed upon him by that section, with all practicable speed, inform the Board of Agriculture of such declaration and notice and send a copy of the same to the Board of Agriculture.

**Powers of inspectors of Board of Agriculture.**

**4.**—(1.) For the purpose of ascertaining whether pleuro-pneumonia exists or has within fifty-six days existed in any cowshed, land, or other place, an inspector of the Board of Agriculture may at any time enter such cowshed, land, or place.

(2.) The powers conferred upon an inspector of the Board of Agriculture by this section shall be in addition to those conferred upon him by section fifty-one of the principal Act.

**Application of Act to Ireland.**

**5.** This Act shall apply to Ireland subject to the modifications and provisions contained in Part IV. of the principal Act, and in this section.

(1.) The Lord Lieutenant and Privy Council shall be substituted for the Board of Agriculture,

(2.) There shall be paid to the General Cattle Diseases Fund:

(*a.*) Such moneys (not exceeding twenty thousand pounds in any one year) as may be provided by Parliament towards defraying the costs of the execution of this Act in Ireland; and

(*b.*) All sums received by the Lord Lieutenant and Privy Council on the sale of the carcases of cattle slaughtered under this Act, after deducting any amounts payable to the owners of such cattle under the third sub-section of section thirty of the principal Act;

and the amounts so paid shall be carried to a separate account to be called the Cattle Pleuro-pneumonia Account of the said Fund, and shall be applicable solely to the purposes of this Act.

(3.) The costs of the execution of this Act in Ireland shall be paid by the Lord Lieutenant and Privy Council out of the moneys standing to the Cattle Pleuro-pneumonia Account of the General Cattle Diseases Fund, and if those moneys are insufficient shall be paid out of the general account of that Fund.

(4.) All expenses (including compensation for animals slaughtered) incurred before the commencement of this Act by any local authority or by or on behalf of the Lord Lieutenant and Privy Council in executing and enforcing the provisions of the Pleuro-pneumonia Slaughter (Ireland) Order of 1888 (which order was made by the Lord Lieutenant and Privy Council

under the Contagious Diseases (Animals) Acts, 1878 to 1886, on the sixth day of March 1888), shall be charged to and defrayed out of the Cattle Pleuro-pneumonia Account of the General Cattle Diseases Fund.

Supplemental provisions as to Cattle Pleuro-pneumonia Accounts, and Local Taxation Accounts.

**6.**—(1.) At the end of every financial year accounts of the receipts and expenditure of the Cattle Pleuro-pneumonia Accounts established under this Act shall be made up in such form and with such particulars as may be directed by the Treasury, and such accounts shall be audited by the Comptroller and Auditor General as public accounts in accordance with such regulations as the Treasury may make, and shall be laid before Parliament together with his report thereon.

(2.) If at the end of any financial year the Treasury, after communication with the Board of Agriculture or the Lord Lieutenant and Privy Council as the case may be, are satisfied that the balance standing to the credit of either of the said Cattle Pleuro-pneumonia Accounts or any part of such balance will not be required for the purposes of this Act, they may

(*a.*) In the case of the Cattle Pleuro-pneumonia Account for Great Britain direct such balance or part to be paid in the proportions provided by this section into the Local Taxation Account and the Local Taxation (Scotland) Account, in repayment of any sums which have been paid to the Cattle Pleuro-pneumonia Account out of the said Local Taxation Accounts, and

(*b.*) In the case of the Cattle Pleuro-pneumonia Account of the General Cattle Diseases Fund direct such balance or part to be paid into the general account of the said Fund in repayment of any sums which have been paid out of the said general account for the purposes of this Act;

and in either case the Treasury may direct any balance or part which may not be required for such repayment to be paid to the Exchequer.

(3.) The proportions in which any sum is to be paid out of or into the Local Taxation Account and the Local Taxation (Scotland) Account under this Act shall be eighty-eight per cent. of such sum out of or into the Local Taxation Account, and twelve per cent. out of or into the Local Taxation (Scotland) Account.

(4.) All moneys paid under this Act out of or into the Local Taxation Account shall in account be charged against or credited to the proceeds of the Probate Duty.

(5.) All moneys paid under this Act out of or into the Local Taxation (Scotland) Account shall in account be charged against or credited in manner provided by any Act hereafter passed respecting the application of any Customs or Excise Duties paid to the Local Taxation (Scotland) Account.

(6.) Payments out of and into the said Cattle Pleuro-pneumonia Accounts and all other matters relating to the accounts and to the moneys standing to the credit of the accounts shall be made and regulated in such manner as the Treasury direct.

**7.** Section twenty-one of the principal Act is hereby repealed from the beginning of the section to the words "under this section." Partial repeal of 41 & 42 Vict. c. 74. s. 21.

**8.**—(1.) This Act may be cited as the Contagious Diseases (Animals) (Pleuro-pneumonia) Act, 1890, and so far as is consistent with the tenor thereof, shall be construed as one with the Contagious Diseases (Animals) Acts, 1878 to 1886. Short title, and construction of Act.

(2.) The Contagious Diseases (Animals) Acts, 1878 to 1886, and this Act may be cited together as the Contagious Diseases (Animals) Acts, 1878 to 1890.

(3.) The Contagious Diseases (Animals) Act, 1878, is in this Act referred to as the principal Act.

**9.** This Act shall come into operation on the first day of September one thousand eight hundred and ninety. Commencement of Act

## CHAPTER 15.

### An Act to amend the Open Spaces Acts.

[25th July 1890.]

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

**1.** This Act may be cited as the Open Spaces Act, 1890, and may be read with the Metropolitan Open Spaces Acts, 1877 and 1881, and the Open Spaces Act, 1887 (herein-after called the principal Acts) as one Act, and this Act and the principal Acts may be cited as the Open Spaces Acts, 1877 to 1890. Short title and construction. 40 & 41 Vict. c. 35. 44 & 45 Vict. c. 34. 50 & 51 Vict. c. 32.

**2.** In this Act— Definitions.

The expression "local authority" shall mean and include any of the public bodies who are empowered by the principal Acts to hold open spaces for the purposes of the Open Spaces Acts, 1877 to 1890:

"The court" shall mean the Chancery Division of the High Court of Justice in England and Ireland, and the county court of the district in which the whole or part of any open space may be situated as herein provided.

**3.** The trustees of land held upon trust for the purposes of public recreation may, in pursuance of a resolution duly passed as provided by section two of the Metropolitan Open Spaces Act, 1881, transfer by free gift, absolutely or for a limited term, to the local authority of the district in which the whole or the greater part in area of the land is situate, the land so held by them, if such authority is willing to accept such transfer, to be held by the transferees on the trusts and subject to the conditions on which the transferors held the same, or upon such other trusts and subject to such other conditions (so that the land be appropriated to the purposes of public recreation) as may be agreed upon between the Transfer to local authority of spaces held by trustees for purposes of public recreation.

transferors and transferees with the approval of the Charity Commissioners for England and Wales, or, as respects Ireland, of the Commissioners of Charitable Donations and Bequests for Ireland. Subject to the obligation of the land so transferred being used for the purposes of public recreation as aforesaid, the local authority may hold the same as and for the purposes of an open space under the Open Spaces Acts, 1877 to 1890. This section shall not apply to any trustees elected or appointed under any local or special Act of Parliament.

Similar power with respect to trustees of other open spaces.

4. When any open space shall be situate wholly or in part within the district of a local authority, and shall be vested in trustees, other than such trustees as are mentioned in the principal Acts, or in the last preceding section of this Act, for any charitable purpose, and as part of their trust estate, and it shall appear to the majority of such trustees that such open space is no longer required for the purposes of their trust, or that the same may with advantage to the trust be dealt with under the provisions of this section, it shall be lawful for such trustees, in pursuance of a resolution passed by them in the manner prescribed in the last preceding section of this Act, and where the open space is subject to the provisions of the Charitable Trusts Acts, 1883 to 1887, with such authority or approval as is required by those Acts for a sale of the open space, and in other cases in pursuance of an order of the court to be obtained as hereinafter provided, to convey or demise such open space to such local authority upon such terms as shall be mutually agreed between them, and the local authority shall thenceforth be entitled to hold the same as an open space upon the terms and under the conditions specified in any such conveyance or demise, or upon such terms and under such conditions as may be so authorised or approved, or as the court shall from time to time order, as the case may be.

Procedure for obtaining order of court.

5. An order of the court may be made upon application by the trustees, and the court, before making any order, may direct such inquiries to be made, such consents to be obtained, and notice to be given to such persons as to the court shall seem expedient, and may make such order thereon as in its discretion appears proper. Rules for carrying out the preceding provisions of this Act may from time to time be made by the same authority as the General Rules or Orders of the High Court of Justice in England and Ireland, and of the county courts in England, Ireland, and Wales respectively are made.

Open Spaces Acts to apply outside district of local authority.

6. The Open Spaces Acts, 1877 to 1890, shall be applicable to the whole of any open space which is wholly or partly situated without the district of a local authority in the same manner to all intents and purposes as if the whole of such open space had been situated within such district.

Buildings on open spaces

7. Where a portion of an area of land not exceeding a twentieth part is covered with a building or buildings, such land may notwithstanding be deemed to be an open space within the meaning of the Open Spaces Acts, 1877 to 1890

# CHAPTER 16.

## An Act to facilitate Gifts of Land for Dwellings for the Working Classes in Populous Places.

[25th July 1890.]

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

**1.** Parts I. and II. of the Mortmain and Charitable Uses Act, 1888, and section sixteen of the Act of the session held in the seventh and eighth years of Her present Majesty, chapter ninety-seven, intituled "An Act for the more effectual application of "charitable donations and bequests in Ireland," shall not apply to any assurance, by deed or will, of land, or of personal estate to be laid out in land, for the purpose of providing dwellings for the working classes in any populous place.

Exemption from 51 & 52 Vict. c. 42. Parts I., II., & 7 & 8 Vict. c. 97. s. 16 of gifts for working classes dwellings.

Provided as follows:—

(i.) The quantity of land which may be assured by will under this section shall not exceed five acres; and

(ii.) The deed or will containing the assurance must, within six months, in the case of a deed after the execution thereof, or in the case of a will after the probate thereof, be enrolled in the books of the Charity Commissioners, if the land is situate in England or Wales, and the deed containing the assurance must, within six months after the execution thereof, be registered in the office for registering deeds in the city of Dublin, if the land is situate in Ireland.

For the purposes of this Act, the expression "populous place" means the administrative county of London, any municipal borough, any urban sanitary district, and any other place having a dense population of an urban character.

**2.** This Act shall extend to any assurance by deed made within twelve months before the passing of this Act by a person alive at that passing as if it had been made after the passing, except that the assurance shall be enrolled or registered as aforesaid within six months after the passing of this Act.

Application of Act.

**3.**—(1.) This Act may be cited as the Working Classes Dwellings Act, 1890.

Short title and construction.

(2.) Expressions used in this Act shall have the same meaning as in the Mortmain and Charitable Uses Act, 1888.

51 & 52 Vict. c. 42.

# CHAPTER 17.

## An Act to amend the Laws relating to the Rating of Orchards for Sanitary purposes.

[25th July 1890.]

WHEREAS it is enacted by section two hundred and eleven (1.) (*b*) and section two hundred and thirty of the Public Health Act, 1875, that "the occupier of any land used as arable,

38 & 39 Vict. c. 55.

" meadow, or pasture ground only, or as woodlands, market gardens, " or nursery grounds," shall be assessed to the general district rate in an urban district or to a separate rate levied in respect of special expenses within the meaning of the said Act in a rural district, in the proportion of one-fourth part only of the net annual value or rateable value of such land:

And whereas doubts have arisen whether orchards are or are not included among the lands to which the aforesaid exemptions apply:

And whereas it is expedient to remove such doubts, and to render the practice of assessment uniform, and to relieve orchards from all liability to be assessed for sanitary purposes at a higher rate than other cultivated lands:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Amendment of 38 & 39 Vict. c 55, s. 211 (1.) (*b.*), and s. 230.

1. From and after the first day of October one thousand eight hundred and ninety section two hundred and eleven, sub-section one, and section two hundred and thirty of the Public Health Act, 1875, shall be read and construed as if the word "orchards" was inserted in each of those sections after the word "woodlands." Provided that nothing in this Act shall apply to any rate made under either of the said sections on or before the first day of October one thousand eight hundred and ninety.

Short title.

2. This Act may be cited as the Public Health (Rating of Orchards) Act, 1890.

## CHAPTER 18.

### An Act to amend the Law relating to the grant of Superannuation Allowances and Gratuities to certain Workmen in the Manufacturing and Store Establishments of the War Department. [25th July 1890.]

WHEREAS between the seventeenth day of December one thousand eight hundred and sixty-one, and the fourth day of June one thousand eight hundred and seventy, certain persons entered the service of the Government in the manufacturing and store establishments of the War Department in the United Kingdom, in a capacity which did not entitle them to the benefits of the Superannuation Act, 1859, but owing to inadvertence on the part of the heads of the establishments in which they respectively served the fact of their not being so entitled was not communicated to them before or at the time of their entering service:

22 Vict c 26

And whereas such persons were in consequence led to entertain a reasonable expectation that they were so entitled, and it is expedient that compensation should be granted to them for the loss of such reasonable expectation

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

**1.** Every person who, between the dates herein-before recited, entered the service of the Government as workman in the manufacturing and store establishments of the War Department within the United Kingdom, and who continues in such service until he is sixty years of age, or who finally retires from such service on the ground of infirmity, shall, in respect of his service during any period ending on or before the thirty-first day of December one thousand eight hundred and eighty-nine, be deemed to have served in the permanent Civil Service of the State, and if any such person has retired before the passing of this Act any gratuity or the arrears of any superannuation allowance to which he would have been entitled if this Act had been then in force shall be paid to him on his establishing his claim thereto. Extension of benefits of 22 Vict. c. 26 to certain workmen

**2.** This Act may be cited as the Superannuation (War Department) Act, 1890. Short title

# CHAPTER 19.

## An Act to facilitate the Appointment of new Trustees of Land held in Trust for Religious or Educational Purposes, and to make provision for vesting the Land in the Trustees for the time being. [25th July 1890.]

WHEREAS it is expedient to extend the provisions of the Act of the thirteenth and fourteenth years of Her Majesty, chapter twenty-eight (in this Act called "the Act of 1850"), intituled "An "Act to render more simple and effectual the titles by which "congregations and societies for purposes of religious worship "or education in England and Ireland hold property for such "purposes," as the same Act is extended by the Act of the thirty-second and thirty-third years of Her Majesty, chapter twenty-six, in this Act called "the Act of 1869". 13 & 14 Vict. c. 28 32 & 33 Vict. c. 26

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

**1.** This Act and the Act of 1850, as extended by the Act of 1869, shall be read and construed together as one Act, and this Act may be cited as the Trustees Appointment Act, 1890, and the said Acts may together be cited as the Trustees Appointment Acts, 1850 to 1890. Construction and short title

**2.** The Act of 1850 shall apply to and include any land acquired by trustees in connexion with any society or body of persons comprising several congregations or other sections or divisions or Extension of 13 & 14 Vict. c. 28

component parts associated together for any religious purpose, when such land is held in trust for any of the following purposes, namely:

(1.) A place for religious worship:

(2.) An endowment or provision for the maintenance of a place of religious worship, or the minister thereof, or provision for expenses connected therewith:

(3.) A burial ground:

(4.) A place for education and training of students, whether for the ministry or for any other purpose:

(5.) A school-house for a Sunday school, day school, or other school:

(6.) A residence for a minister or schoolmaster, or for the caretaker of a place of religious worship, or of a school-house or a meeting-house, or offices or other buildings for or in connexion with religious or educational purposes.

Statutory power to appoint trustees made applicable to all cases. 44 & 45 Vict. c. 41.

**3.**—(1.) The power for the appointment of new trustees conferred by the Conveyancing and Law of Property Act, 1881, or any other statutory power for the same purpose for the time being in force, shall apply to all land acquired and held on trust for any purpose to which the Act of 1850 or the Act of 1869 or this Act applies.

(2.) Any statutory power for the appointment of new trustees which is for the time being in force may be exercised either by the person or persons and in the manner provided by that statutory power, or by the person or persons and by resolution at a meeting, or in any other mode in which, under the instrument creating the trust or any other instrument, the appointment of a new trustee in place of a deceased trustee can be effected.

(3.) Provided that where there is a power to appoint as new trustees only such persons as may be qualified or nominated for election in some special manner, then those persons only who are qualified or nominated in that special manner shall be appointed trustees under the power for the purpose conferred by this Act.

Extension of vesting clause of 13 & 14 Vict. c. 28.

**4.** The enactment contained in the Act of 1850, whereby any conveyance, assignment, or assurance of land taken as in that Act mentioned to or in favour of trustees is made effectual to vest the land in their successors in office for the time being and the old continuing trustees (if any) jointly, and if there be no old continuing trustee, then in such successors for the time being wholly, shall apply and be effectual to vest the land in like manner in every case where the appointment of a trustee or trustees is made under any power conferred by this Act, or under any other statutory power for the time being exerciseable with respect to trusts to which this Act applies.

Provision against the concurrent exercise of powers.

**5.** Where by force of this Act an appointment of a trustee is capable of being made under a power in any instrument as well as under a statutory power, an appointment of a trustee shall not be made under the statutory power unless and until a period of twelve months at least from the date of the occurrence of the vacancy to be filled up has expired without the vacancy having been filled up.

**6.**—(1.) After the expiration of six months from the date of any instrument whereby any person or persons are purported or appear to be or to have been appointed trustee or trustees for purposes within the meaning of the Act of 1850 or the Act of 1869 or this Act, such person or persons shall, for the purpose of any sale or mortgage, be deemed to be the duly appointed trustee or trustees for the purposes for which the appointment is purported to be or appears to have been made, and every conveyance by way of sale or mortgage which such person or persons may make, or concur in making, shall be as valid and effectual in favour of the purchaser or mortgagee as if made by trustees duly appointed.

Appointments of trustees made valid after six months if no proceedings taken.

(2.) This section is not to have effect unless within such six months no proceedings be taken to set aside the appointment, or unless any such proceedings which are taken within such six months are abandoned or are not duly prosecuted.

**7.** Where the trustees or the major part of the trustees of any land held on trust for the purposes of the Act of 1850 or the Act of 1869 or this Act, or any other persons present at a meeting duly constituted, are either under the instrument creating the trust or under a statutory power, whether conferred by this Act or otherwise, empowered to appoint trustees by resolution, then a memorandum of the appointment of any trustee which states that the meeting was duly constituted, and which is otherwise made in the form or to the effect, and also subscribed in the manner, directed or provided in the Act of 1850 and the schedule thereto, shall of itself be sufficient and conclusive evidence that the appointment appearing by the memorandum was an appointment duly made, without any evidence of the due constitution of the meeting or of the proceedings thereat.

Evidence of due appointment of trustees.

**8.** This Act shall not extend to Scotland.

Extent of Act.

# CHAPTER 20.

## An Act to amend the Public Health (Scotland) Act, 1867, in relation to Hospitals for Burghs. [25th July 1890.]

WHEREAS it is expedient to extend the provisions of the Public Health (Scotland) Act, relating to the power of local authorities to provide hospitals:

30 & 31 Vict. c. 101.

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

**1.** In the application of sections thirty-nine and forty-two of the Public Health (Scotland) Act, 1867, to burghs, the said sections shall be read and construed as if the words "or within a convenient "distance of such district" were inserted after the word "district" where it first occurs in each of the said sections; and for the purposes of the said Act any hospital or temporary place for

Enlarged application of ss. 39 and 42 of Public Health (Scotland) Act, 1867.

the reception of the sick provided within a convenient distance of a burgh shall be held to be within the burgh.

Short title and extent of Act.

**2.** This Act may be cited as the Public Health Amendment (Scotland) Act, 1890, and shall apply to Scotland only.

# CHAPTER 21.

## An Act to consolidate certain Enactments relating to the Regulation of the Inland Revenue. [25th July 1890.]

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

*Commissioners and Officers.*

Appointment of Commissioners.

**1.**—(1.) It shall be lawful for Her Majesty the Queen to appoint persons to be Commissioners for the collection and management of inland revenue, and the Commissioners shall hold office during Her Majesty's pleasure.

(2.) The Commissioners shall have all necessary powers for carrying into execution every Act of Parliament relating to inland revenue, and shall in the exercise of their duty be subject to the authority, direction, and control of the Treasury, and shall obey all orders and instructions which have been or may be issued to them in that behalf by the Treasury.

Quorum of Commissioners.

**2.** The Commissioners may act by any two or more of their number, and by that number shall constitute a board of commissioners, and may do and order and direct and permit to be done throughout the United Kingdom or in any part thereof all acts, matters, and things relating to inland revenue.

Provided that where by any Act of Parliament or otherwise anything has been or is hereafter expressly directed or authorised to be done by one of the Commissioners, it shall be valid if done by one Commissioner.

Offices.

**3.** The Commissioners shall have their chief office in London and shall also keep offices in such other places as they deem necessary, and those offices shall be kept open on the prescribed days and during the prescribed hours.

Appointment of collectors, officers, and other persons.

**4.**—(1.) The Commissioners shall, unless the Treasury otherwise direct, appoint such collectors, officers, and other persons for collecting, receiving, managing, and accounting for inland revenue as are not required by law to be appointed by any other authority.

(2.) All such appointments shall continue in force notwithstanding the death of any Commissioner, or his ceasing to hold office, and the persons holding the same shall have full power to execute the duties of their respective offices and to enforce, in the

execution thereof, all laws, regulations, penalties, and forfeitures relating to inland revenue in every part of the United Kingdom.

(3.) The Commissioners may suspend, reduce, discharge, or restore as they see cause, any such collector, officer, or person.

(4.) Where a collector, officer, or person is authorised to receive or collect or have in his custody or possession any money arising from inland revenue, the Commissioners may require him to give security to their satisfaction.

**Provisions as to bonds and deposits of stock.**

**5.**—(1.) The provisions contained in the Acts of the session held in the sixth and seventh years of King William the Fourth, chapter twenty-eight, and of the session held in the first and second years of Her Majesty's reign, chapter sixty-one, shall extend to inland revenue and all other matters for the time being placed under the care and management of the Commissioners.

(2.) Any public stock or Exchequer bills required to be transferred or deposited by way of security in pursuance of the said Acts in relation to any of the duties and matters aforesaid, may be transferred or deposited by or on behalf of the person from whom the security is required into or in the joint names of the chairman for the time being of the Commissioners, and of that person or his nominee.

**Accountant-General and Receiver-General.**

**6.** Every person appointed to the office of Accountant-General or to the office of Receiver-General shall hold his office during the pleasure of the Treasury.

**Collector or officer not to deal in exciseable goods.**

**7.** If any collector or any person appointed to be an officer and employed in relation to duties of excise deals or trades in any goods subject to any such duty, or carries on or is concerned in any trade or business subject to any law of excise, he shall be guilty of a misdemeanour, and shall, on conviction, forfeit his office or employment, and be incapable of ever holding any office or employment in or relating to the excise.

**Privileges of Commissioners and officers.**

**8.** No Commissioner, collector, officer, or person employed under the authority of the Commissioners in relation to inland revenue, shall be compelled to serve as a mayor or sheriff or in any corporate or parochial or other public office or employment, or on any jury or inquest whatsoever, or in the militia.

**Salaries and superannuation allowances not assignable or subject to be taken in execution.**

**9.** Save as provided by any law in relation to the commutation of a pension or the estate of a bankrupt, the remuneration payable to any person for being or having been a Commissioner, collector, officer, or person employed in relation to inland revenue, shall not before payment thereof to or for the use of that person be capable of assignment or liable to be taken under legal process.

**Penalty on persons entering into collusive agreement.**

**10.**—(1.) If any Commissioner or collector, or officer, or person employed in relation to inland revenue directly or indirectly asks for or receives any sum of money or any other recompense whatsoever, or any promise or security for any sum of money or other recompense, or enters into or acquiesces in any collusive agreement with any person to do or abstain from doing or to conceal or connive at any act or thing whereby Her Majesty is or may be defrauded, he shall for every such offence incur a fine of five

hundred pounds, and shall on conviction thereof be incapable of ever holding any office under the Crown.

(2.) If any person directly or indirectly gives or offers to give to any Commissioner, or collector, or officer, or person so employed any sum of money or other recompense whatsoever, or any security for any sum of money or other recompense, or proposes or enters into any collusive agreement with any Commissioner, collector, officer, or person so employed in order to corrupt and prevail upon him to do or abstain from doing or to conceal or connive at any act or thing whereby Her Majesty is or may be defrauded, or to do or omit or permit or suffer to be done or omitted any act contrary to his duty, every person so offending shall for every such offence (whether the sum of money or other recompense or security for the same, or the agreement is or is not received, entered into, acquiesced in, or performed) incur a fine of five hundred pounds.

(3.) On the commission of any offence against this section, the offender who, before any information is lodged against him in respect of the offence, first discovers and informs against any other offender shall on the conviction of the person against whom the information is given be discharged and acquitted from any fine or disqualification to which at the time of giving the information he was liable by reason of the offence committed by him.

Obstruction of officers.

**11.** If any person by himself or by any person in his employ obstructs, molests, or hinders—

(*a.*) an officer or any person employed in relation to inland revenue in the execution of his duty, or of any of the powers or authorities by law given to the officer or person; or

(*b.*) any person acting in the aid of an officer or any person so employed,

he shall for every such offence incur a fine of one hundred pounds.

Unlawful assumption of character of officer.

**12.** If any person not being an officer takes or assumes the name, designation, or character of an officer for the purpose of thereby obtaining admission into any house or other place, or of doing or procuring to be done any act which he would not be entitled to do or procure to be done of his own authority, or for any other unlawful purpose, he shall be guilty of a misdemeanour, and shall in addition to any other punishment to which he may be liable for the offence, be liable, on summary conviction, to be imprisoned with or without hard labour, for any term not exceeding three months.

*Accounts.*

Commissioners to keep accounts.

**13.**—(1.) The Commissioners shall collect and cause to be collected every part of inland revenue, and all money under their care and management, and shall keep distinct accounts thereof at their chief office.

(2.) There shall be set forth in such accounts the amounts respectively charged, collected, and received, and remaining in arrear of

each part of inland revenue, and of the several payments made or allowed by the Commissioners in respect of each such part and of the expenses of the collection and management of the said revenue, and of all other payments and expenses made or incurred on any other account whatsoever.

**Collectors to keep accounts.**

**14.**—(1.) Every collector and other person intrusted with the collection, receipt, or custody of inland revenue shall keep and render accounts in the prescribed manner and form of all sums of money collected or received by him or intrusted to his custody.

(2.) If any such collector or other person neglects or omits to keep and render such accounts as aforesaid, he shall be guilty of a misdemeanour, and shall on conviction be incapable of ever holding any office under the Crown.

(3.) The Commissioners may require any such collector or other person to verify by a statutory declaration any account rendered by him.

**Collectors to apply and remit duties as ordered by Commissioners.**

**15.**—(1.) Every collector or other person intrusted with the collection, receipt, or custody of inland revenue shall apply and remit all sums of money and securities for money which are intrusted to his custody, or come into his hands, or are under his control, at the prescribed time, and in the prescribed manner and form.

(2.) If any such collector or other person neglects or omits so to apply or remit any sum of money or any security for money in his hands, he shall forfeit his office or employment, and shall in addition to the forfeiture of any security which he may have given be liable to pay treble the amount of the sum of money or security for money.

**All revenue to be paid over.**

**16.**—(1.) All money and securities for money from time to time collected or received, or paid in Great Britain for, or on account of inland revenue, shall (except payments legally made thereout) be paid and remitted under the directions of the Commissioners into the hands of the Receiver-General at their chief office, or to the credit of his account at the Bank of England, or as the Treasury direct.

(2.) All money and securities for money from time to time collected or received or paid in Ireland for or on account of inland revenue shall (except as aforesaid) be paid into the Bank of Ireland to the account of Her Majesty's Exchequer or as the Treasury direct.

**Mode of remitting money to Receiver-General.**

**17.**—(1.) All bills of exchange, drafts or orders for money paid or remitted to the Receiver-General shall be drawn in his favour, and he shall by himself or his deputy or clerk authorised by him for that purpose, and for whose conduct he shall be answerable, endorse the same before the payment and delivery thereof into the Bank of England.

(2.) The Receiver-General shall keep an account with the Bank of England of all money placed to the credit of his account, and, observing the regulations contained in this Act, shall not be answerable for any money which he may have paid or caused to be paid into the Bank of England.

(3.) The Bank of England shall be answerable for all money and securities for money actually received from or on account of the Receiver-General.

Revenue paid into Bank of England to be placed to an account

**18.**—(1.) All money and securities for money coming into the hands of the Receiver-General shall be paid by him at the prescribed time and subject to the prescribed regulations into the Bank of England, and all such money and securities, and all money and securities paid or remitted to the Bank of England to the credit of the account of the Receiver-General, shall be placed to an account raised in the books of that Bank, and intituled "The "account of the public moneys of the Receiver-General of Inland "Revenue."

(2.) Provided that the Receiver-General may pay out of the money received by him the ordinary and daily payments required to be made by order of the Commissioners and on any special occasion may retain in his hands at the close of any day such sum as he may be authorised or directed by the Commissioners to retain.

Entry of receipts by Bank from or on account of Receiver-General

**19.**—(1.) The Bank of England, or some person authorised on their behalf, shall on every occasion of receiving any money or security for money from the Receiver-General, or from any person tendering money to be placed to the account of the Receiver-General, make an entry of the particulars thereof in a book to be provided by the Bank with the approbation of, and to be kept in the form directed by, the Treasury.

(2.) The book shall forthwith after the making of the entry be delivered to the Receiver-General or some person duly authorised to receive the same on his behalf, and shall be inspected daily by the Accountant-General or some other person at the chief office of inland revenue charged with that duty by the Treasury, or by the Commissioners, in order that it may be ascertained that all money and securities for money received by the Receiver-General have been duly paid into the Bank, and that all such money and all money tendered to or lodged with the Bank on his behalf have been duly placed to the credit of his account.

(3.) The entry shall be a sufficient discharge for the money or security referred to therein.

Money to be paid to Exchequer.

**20.**—(1.) All money placed to the account of the Receiver-General in the Bank of England shall be written off, transferred, and paid to the receipt and account of the Exchequer as the Treasury direct. Provided that the Bank may under the sanction and regulations of the Treasury pay or transfer from the account of the Receiver-General any part of that money to the credit of the account of some other public department of the State, or in payment of such drafts as the Receiver-General, or his deputy or clerk authorised by him for that purpose, and for whose conduct he shall be answerable, may be authorised to draw, such drafts being first countersigned by the Accountant-General or some other person authorised in that behalf by the Commissioners.

(2.) Where any draft or other document required to be countersigned by the Accountant-General or any other person is to be

acted on by the Bank of England, the nomination and appointment, and the signature of the Accountant-General or person shall be first made known to the Bank by the Commissioners.

*Legal Proceedings.*

**21.**—(1.) It shall not be lawful to commence proceedings against any person for the recovery of any fine, penalty, or forfeiture under any Act relating to inland revenue, or for the condemnation of any goods seized as forfeited under any such Act, except by order of the Commissioners and in the name of an officer, or in England in the name of the Attorney-General for England, in Scotland in the name of the Lord Advocate, and in Ireland in the name of the Attorney-General for Ireland. Institution of proceedings for fines, &c

(2.) Provided that nothing in this section shall extend to any summary proceeding for the conviction on immediate arrest of any person under or by virtue of any Act relating to inland revenue, or to any proceeding on information or complaint of an officer of the peace for recovery of a fine or penalty imposed in relation to an offence against any law of excise in any case in which such a proceeding is authorised.

(3.) The power of the Commissioners, or any of them, to hear and determine informations for the recovery of any fine or penalty, or for the condemnation of any goods seized as forfeited, shall cease, and any information which might, under any enactment passed before the commencement of this Act, have been exhibited, heard, adjudged, and determined by the Commissioners, or any of them, may be exhibited, heard, adjudged, and determined before a court of summary jurisdiction, and shall be subject to the like appeal as in the case of an information exhibited before a justice of the peace in respect of any offence against the laws of excise.

**22.**—(1.) Any fine or penalty incurred under any Act relating to inland revenue may be sued for and recovered, and any goods seized as forfeited under any such Act may be returned for condemnation and condemned, in the High Court. Proceedings in the High Court

(2.) The proceedings for the recovery of any such fine or penalty or for the condemnation of any such goods shall be commenced within two years next after the fine or penalty is incurred or the seizure is made.

**23.**—(1.) Any writ of subpœna or other process issued out of the High Court in relation to any proceeding for recovery of inland revenue or any fine or penalty imposed by any Act relating to inland revenue, or for the condemnation of any goods seized as forfeited under any such Act, may be served on any person in any part of the United Kingdom. Service of process.

(2.) If any person so served does not appear according to the exigency of the writ or process, the High Court may on proof of service transmit a certificate of the default under the seal of the court to the High Court in that part of the United Kingdom in which the writ or process was served, and the last-mentioned court shall proceed against and punish the person so making default in

the same manner as if he had neglected to appear in obedience to a like writ or process issued out of that last-mentioned court.

(3.) Where the writ or process served is to give evidence, a person failing to appear in answer thereto shall not be punished on account thereof, unless it be shown to the satisfaction of the court that a reasonable sum of money for expenses had been tendered to him before the default.

(4.) Nothing in this section shall affect the procedure in Scotland under the Act of the session held in the nineteenth and twentieth years of Her Majesty's reign, chapter fifty-six.

Rules as to evidence in certain cases.

**24.**—(1.) All regulations, minutes, and notices purporting to be signed by a secretary or assistant secretary of the Commissioners and by their order shall, until the contrary is proved, be deemed to have been so signed and to have been made and issued by the Commissioners, and may be proved by the production of a copy thereof purporting to have been so signed.

(2.) In any proceeding the letter or instructions under which a collector or officer or person employed in relation to inland revenue has acted shall be sufficient evidence of any order issued by the Treasury or by the Commissioners, and mentioned or referred to therein.

(3.) Evidence of a person being reputed to be or having acted as a Commissioner, or collector, or officer, or person employed in relation to inland revenue, shall, unless the contrary is proved, be sufficient evidence of his appointment or authority to act as such.

Procedure for condemnation of seizures.

**25.**—(1.) Where goods seized as forfeited under any Act relating to inland revenue are returned into the High Court, any claim thereto must be made within the time limited by law or the practice of the court, and must be entered in the name of the proprietor of the goods, and must describe his place of residence and his business or profession.

(2.) The person entering any such claim or his solicitor must, in England or Ireland, within the time limited by law or the practice of the court in which the claim is entered, make oath that the goods were at the time of the seizure the property of the person claiming the same, and be bound with two sufficient sureties in the sum of one hundred pounds to pay the costs occasioned by the claim. In default of making such oath, or giving such security, the goods shall be adjudged to be forfeited, and shall be condemned as unclaimed.

(3.) In any trial whatsoever arising upon a seizure, the fact, form, and manner of the seizure shall be taken to have been as set forth in the information relating thereto without any evidence thereof.

(4.) Where any goods seized as forfeited are not within the space of three months after the seizure thereof claimed by the proprietor by application in writing either to the Commissioners or to the officer who seized the same or has the custody thereof, they shall be absolutely forfeited as if they had been condemned by judgment of the High Court.

(5.) Nothing in this section shall affect the forfeiture of any goods seized under any Act whereby goods liable to seizure and seized are declared to be absolutely forfeited.

Procedure on seizure of horses, cattle or perishable goods.

**26.**—(1.) In the event of any horse or cattle or any goods of a perishable nature being seized as forfeited under any Act relating to inland revenue, the Commissioners may order the thing seized to be delivered up to the claimer thereof upon his paying the appraised value thereof or giving security to their satisfaction.

(2.) If any such thing be not claimed, or if any claimer refuses or neglects to pay the appraised value thereof, or to give such security as aforesaid, the Commissioners may at any time after the expiration of fourteen days from the making of the seizure order that it be sold by public auction, although the condemnation thereof may not at that time have taken place.

(3.) Provided that if any such thing be afterwards ordered to be restored without any proceeding being instituted for the condemnation thereof, or before the same have been condemned, or if on the trial for the condemnation thereof, judgment is given for the claimer, the Commissioners shall on demand pay to him the appraised value thereof, or, in the event of its having been sold, then at his election the appraised value or the proceeds of the sale thereof, and in either case such further sum by way of compensation for the loss sustained by reason of the seizure as the Commissioners think fit.

(4.) If the claimer accepts the appraised value or proceeds of sale, with such further sum as aforesaid, he shall not be entitled to maintain any action on account of the seizure, detention, or sale.

Officers may conduct proceedings before justices.

**27.** Any officer or person employed or authorised by the Commissioners or the Solicitor of inland revenue in that behalf may, although he is not a solicitor, advocate, or writer to the signet, prosecute, conduct, or defend any information, complaint, or other proceeding to be heard or determined by any justice of the peace in the United Kingdom or by any sheriff in Scotland where the proceeding relates to inland revenue or to any fine, penalty, or other matter under the care and management of the Commissioners.

*Actions against Officers.*

Protection of officers acting in execution of statutory duty

**28.**—(1.) Where any action is commenced against any Commissioner, collector, or officer or person employed in relation to inland revenue, or against any person acting in the aid and assistance of any such Commissioner, collector, officer or person, for any act done in pursuance or execution or intended execution of this Act or of any other Act relating to inland revenue, the following provisions shall have effect:—

(*a*.) The action shall not lie unless it is commenced within three months next after the cause of action arose;

(*b*.) The solicitor or agent for the person who intends to bring the action must, not less than one month before the action is commenced, deliver to, or leave at the usual place of abode of, the person against whom the action is to be brought a notice in writing stating clearly and explicitly the cause of the action,

the time when and place where the cause of action arose, the name and place of abode of the person in whose name the action is intended to be brought, and the name and place of abode of the solicitor or agent for that person;

(*c.*) In any such action no evidence shall be produced of any cause of action except such as is contained in the notice, and judgment shall be given for the defendant with costs unless it is proved that the notice was given;

(*d.*) The defendant may plead not guilty by statute;

(*e.*) Tender of amends before the action was commenced may in lieu of, or in addition to, any other plea, be pleaded. If the action was commenced after the tender, or is proceeded with after payment into court of any money in satisfaction of the plaintiff's claim, and the plaintiff does not recover more than the sum tendered or paid, he shall not recover any of the costs incurred after the tender or payment, and the defendant shall be entitled to costs to be taxed as between solicitor and client as from the time of the tender or payment.

43 & 44 Vict. c. 19.

(2.) Nothing in this section shall affect any of the provisions contained in section twenty of the Taxes Management Act, 1880.

Protection of officers where probable cause of seizure certified.

**29.**—(1.) Where on the trial of an information or complaint for the condemnation of goods seized as forfeited under any Act relating to inland revenue judgment is given for the claimer thereof, if the court or judge certifies that there was probable cause for making the seizure, no officer or person who made or assisted in making the seizure shall be liable to any civil or criminal proceeding on account of the seizure, or detention of the goods.

(2.) Where any civil or criminal proceeding is brought to trial against any officer or person employed in relation to inland revenue on account of the seizing or detention of any goods, and a verdict or judgment is given thereupon against the defendant, if the court or judge certifies that there was probable cause for the seizure, the plaintiff shall not be entitled to any damages, besides the goods seized, or the value thereof, nor to any costs, and the defendant shall not be liable to any punishment.

*Fines, Penalties, and Forfeitures.*

Goods forfeited may be seized.

**30.**—(1.) All goods forfeited by virtue of any Act relating to inland revenue may be seized by any officer or by any person employed in relation to inland revenue or acting in the aid and assistance of any such officer or person.

(2.) Where any goods are forfeited under any such Act, every cask, vessel, case, or other package containing or having contained the same, and every ship, boat, cart, or other conveyance, and all horses or other cattle, and all things used in the removal or for the deposit or concealment thereof, shall be forfeited.

Disposal of forfeitures.

**31.** Goods seized as forfeited by virtue of any Act relating to inland revenue shall after condemnation be sold or destroyed or otherwise disposed of in accordance with the prescribed regulations.

Provided that goods which are subject to duty but upon which duty has not been paid shall not be sold for home consumption at a less price than the amount of the duty payable thereon, and goods, the importation whereof is prohibited, shall, if sold, be sold for exportation only.

**32.** The Commissioners may at their discretion reward any person who informs them of any offence against any Act relating to inland revenue or assists in the recovery of any fine or penalty, provided that a reward exceeding fifty pounds shall not be paid in any case without the consent of the Treasury. Power to reward informers.

**33.**—(1.) All fines, penalties, and forfeitures incurred under any Act relating to inland revenue which are not otherwise legally appropriated, shall be applied to the use of Her Majesty. Application of fines.

(2.) All fines and penalties and the proceeds of all forfeitures incurred under any such Act, and all costs, charges, and expenses payable in respect thereof or in relation thereto respectively, shall be accounted for and paid to the Commissioners or as they direct.

**34.** All costs, charges, and expenses payable by the Commissioners in respect of proceedings for the recovery of any fine, penalty, or forfeiture incurred under any Act relating to inland revenue, and all sums of money allowed as rewards, shall be deemed to be charges of collection and management, and shall be paid out of money provided by Parliament for that purpose. Expenses of prosecutions.

**35.**—(1.) The Commissioners may in their discretion mitigate any fine or penalty incurred under this Act or any other Act relating to inland revenue, or stay or compound any proceedings for recovery thereof or for the condemnation of any seizure, and may restore any thing seized, and may also after judgment further mitigate or entirely remit any such fine or penalty, and order any person imprisoned for any offence against inland revenue to be discharged before the term of his imprisonment has expired. Power to mitigate fines and stay proceedings.

(2.) The Treasury may mitigate or remit any such fine or penalty either before or after judgment, and may direct any thing seized to be restored to the proprietor or claimer thereof.

**36.** All fines imposed by this Act may be proceeded for and recovered in the same manner and in the case of summary proceedings with the like power of appeal, as any fine or penalty under any Act relating to the excise. Recovery of fines imposed by this Act.

*Construction.*

**37.**—(1.) Where in any Act passed before the commencement of this Act, the limits of the chief office of inland revenue or the limits of the chief office of excise are referred to as the limits within which any powers of the Commissioners may be exercised, those powers may be exercised in the city of London and the metropolitan police district. Meaning of certain expressions in past Acts, &c.

(2.) Where in any Act, or in any bond, security, deed, or other instrument or writing, reference is made to the "Commissioners of

Excise," "Commissioners of Stamps and Taxes," "Commissioners of Stamps," or "Commissioners for the Affairs of Taxes," or any officer or person appointed by those Commissioners respectively, the Act, bond, security, deed, or other instrument or writing shall be construed as referring to the Commissioners and officers and persons appointed by them, or acting under their orders and directions.

General definitions in Revenue Act

**38.**—(1.) In this Act, and in every other Act relating to inland revenue, whether passed before or after the commencement of this Act, expressions referring to England shall be construed as applying also to Wales.

(2.) For the purpose of construing any Act of Parliament relating to inland revenue, whether passed before or after the commencement of this Act, "night" shall be deemed to begin at eleven of the clock in the evening of each day, and to end at five of the clock in the morning of the next succeeding day.

Definitions.

**39.** In this Act, unless the context otherwise requires,—

"Inland Revenue" means the revenue of the United Kingdom collected or imposed as stamp duties, taxes, and duties of excise, and placed under the care and management of the Commissioners, and any part thereof:

"Commissioner" means Commissioner of inland revenue:

"Accountant General" means Accountant and Comptroller General of inland revenue:

"Receiver General" means Receiver General of inland revenue:

"Collector" means Collector of inland revenue:

"Officer" means Officer of inland revenue:

Goods" includes commodities and chattels:

"Prescribed" means prescribed by the Commissioners:

"High Court" means, as respects Scotland, the Court of Session sitting as the Court of Exchequer:

"Plaintiff" and "defendant" include, as respects Scotland, pursuer and defender respectively.

*Repeal: Commencement: Short Title.*

Repeal.

**40.** The enactments specified in the schedule to this Act are hereby repealed, from and after the commencement of this Act, to the extent specified in the third column of that schedule.

Provided that all bonds and securities given and all appointments and regulations made under or in pursuance of any enactment hereby repealed shall have the same effect as if they had been given or made under or in pursuance of this Act.

Commencement

**41.** This Act shall come into operation on the first day of October one thousand eight hundred and ninety.

Short title.

**42.** This Act may be cited as the Inland Revenue Regulation Act, 1890.

## SCHEDULE.

Section 40.

| Session and Chapter. | Title or Short Title. | Extent of Repeal. |
|---|---|---|
| 11 G. 1. c. 30 - | An Act for more effectual preventing frauds and abuses in the public revenues, for preventing frauds in the salt duties, and for giving relief for salt used in the curing of salmon and codfish in the year one thousand seven hundred and nineteen exported from that part of Great Britain called Scotland, for enabling the insurance companies to plead the general issue in actions brought against them, and for securing the stamp duties upon policies of insurance. | Section thirty-two and section thirty-nine, from "or by action" to the end of the section. |
| 8 G. 3. c. 32 - | An Act for carrying into execution an agreement made between the mayor and commonalty and citizens of the city of London and the wardens and commonalty of the Mystery of Mercers of the said city, and Stamp Brooksbank, Esquire, Secretary to the Commissioners of His Majesty's Revenue of Excise, for the purchase of Gresham College and the ground and buildings thereunto belonging, and for vesting the same unalienably in the Crown for the purpose of erecting and building an excise office there, and for enabling the lecturers of the said college to marry, notwithstanding any restriction contained in the will of Sir Thomas Gresham, Knight, deceased. | Section nine. |
| 26 G. 3. c. 77 - | An Act to limit a time for the repayment of the duties on male servants and carriages by the Commissioners of Excise, and also on horses, waggons, wains, and carts, by the Commissioners of Stamps, and for the amendment of several laws relating to the duties under the management of the Commissioners of Excise. | The whole Act. |
| 42 G. 3. c. 56 - | An Act to repeal an Act passed in the twenty-fifth year of the reign of His present Majesty for granting stamp duties on certain medicines and for charging other duties in lieu thereof; and for making effectual pro- | Section twenty-three, section twenty-five, from "at any time" to "paid and satisfied," from "upon giving" to the first "affirmed," and from |

| Session and Chapter. | Title or Short Title. | Extent of Repeal. |
|---|---|---|
| 42 G. 3. c. 56—*cont.* | vision for the better collection of the said duties. | "for the county" to the end of the section, and sections twenty-six, twenty-seven, and thirty. |
| 43 G. 3. c. 73 - | An Act to amend an Act passed in the forty-second year of the reign of His present Majesty, intituled "An Act to repeal an "Act passed in the twenty-"fifth year of the reign of His "present Majesty for granting "stamp duties on certain medi-"cines, and for charging other "duties in lieu thereof; and for "making effectual provision for "the better collection of the "said duties." | Section five. |
| 44 G. 3. c. 98 - | An Act to repeal the several duties under the Commissioners for managing the duties upon stamped vellum, parchment, and paper in Great Britain, and to grant new and additional duties in lieu thereof. | Sections ten and twenty-seven. |
| 7 & 8 G. 4. c. 53 | An Act to consolidate and amend the laws relating to the collection and management of the revenue of excise throughout Great Britain and Ireland. | Sections one and two, section three to "respectively and that," and from "except" to the end of the section, sections four to seven, ten to seventeen, twenty-four, twenty-six, and twenty-seven, section thirty-two from "and in every such case" to "respectively shall be forfeited," section thirty-three from "Provided always" to the end of the section, sections forty-four to sixty-four, and seventy-two, section seventy-eight from "Provided always" to the end of the section, sections eighty, eighty-two to "such appeal and," where those words first occur in the section, section eighty-four from "and they" to "such appeal," and sections ninety-three to one hundred and six, and one hundred and twelve to one hundred and twenty-six. |

| Session and Chapter. | Title or Short Title. | Extent of Repeal. |
|---|---|---|
| 7 & 8 G. 4. c. 55 | An Act to consolidate the boards of stamps in Great Britain and Ireland. | The whole Act. |
| 1 & 2 W. 4. c. 4 | An Act to abolish certain oaths and affirmations taken and made in the Customs and Excise Departments of His Majesty's revenue, and to substitute declarations in lieu thereof. | Section four from after "interfere with" to "respectively or" and section five. |
| 2 & 3 W. 4. c. 16 | An Act to consolidate and amend the laws regulating the granting and issuing of permits for the removal of goods under the laws of excise. | Section fourteen. |
| 2 & 3 W. 4. c. 103 | An Act to provide for the examination and audit of the customs and excise revenues in Scotland. | The whole Act. |
| 3 & 4 W. 4. c. 13 | An Act to provide for the execution of the duties performed by the Barons of the Exchequer in Scotland in relation to the public revenue, and to place the management of the assessed taxes and land tax in Scotland under the Commissioners for the Affairs of Taxes. | Sections five and six. |
| 4 & 5 W. 4. c. 51 | An Act to amend the laws relating to the collection and management of the revenue of excise. | Sections one to three, thirteen, fourteen, seventeen, twenty-one, twenty-four, twenty-seven, and twenty-nine. |
| 4 & 5 W. 4. c. 60 | An Act to amend the laws relating to the land and assessed taxes, and to consolidate the boards of stamps and taxes. | Sections eight and nine. |
| 5 & 6 W. 4. c. 20 | An Act to consolidate certain offices in the collection of the revenues of stamps and taxes, and to amend the laws relating thereto. | The whole Act. |
| 4 & 5 Vict. c. 20 | An Act to alter and amend certain laws relating to the collection and management of the duties of excise. | Sections one, three, four, fifteen to twenty-one, twenty-six to twenty-nine, and thirty-two to thirty-four. |
| 12 & 13 Vict. c. 1. | An Act to consolidate the boards of excise and stamps and taxes into one board of Commissioners of Inland Revenue, and to make provision for the collection of such revenue. | The whole Act, except section sixteen. |

| Session and Chapter. | Title or Short Title. | Extent of Repeal. |
|---|---|---|
| 15 & 16 Vict. c. 61. | An Act to amend the laws relating to summary proceedings for penalties and forfeitures under the Acts relating to the Excise. | The whole Act. |
| 16. & 17 Vict. c. 59. | An Act to repeal certain stamp duties and to grant others in lieu thereof, to amend the laws relating to stamp duties, and to make perpetual certain stamp duties in Ireland. | Section seventeen. |
| 18 & 19 Vict. c. 78. | An Act to reduce certain duties payable on stage carriages, and to amend the laws relating to stamp duties and to bonds and securities to the Inland Revenue. | Section six. |
| 23 & 24 Vict. c. 113. | An Act to grant duties of excise on chicory, and on licences to dealers in sweets or made wines, also to reduce the excise duty on hops and the period of credit allowed for payment of the duty on malt and hops respectively, to repeal the exemption from licence duty of persons dealing in foreign wine and spirits in bond, and to amend the laws relating to the excise. | Section forty. |
| 28 & 29 Vict. c. 96. | An Act to amend the laws relating to the Inland Revenue. | Section twenty-five. |
| 31 & 32 Vict. c. 124. | An Act to amend the laws relating to the Inland Revenue. | Sections one and two. |
| 33 & 34 Vict. c. 97. | The Stamp Act, 1870 - - | Sub-section two of section twenty-six. |
| 33 & 34 Vict. c. 98. | The Stamp Duties Management Act, 1870. | Section three, and sub-section two of section twenty-six. |
| 43 & 44 Vict. c. 19. | The Taxes Management Act, 1880 | Sections twelve and fourteen, and sub-section two of section twenty-one. |
| 43 & 44 Vict. c. 20. | The Inland Revenue Act, 1880 - | Section thirty-one. |

| Session and Chapter. | Title or Short Title. | Extent of Repeal. |
|---|---|---|
| 43 & 44 Vict. c. 24. | The Spirits Act, 1880 | Section one hundred and fifty-one, and sub-section two of section one hundred and fifty-five. |
| 51 & 52 Vict. c. 8. | The Customs and Inland Revenue Act, 1888. | Section seven. |

# CHAPTER 22.

## An Act for the purpose of making operative certain Articles in the Education Code, 1890. [25th July 1890.]

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Elementary education not to be condition of grant to evening schools. 33 & 34 Vict c. 75.

**1.** It shall not be required as a condition of a parliamentary grant to an evening school that elementary education shall be the principal part of the education there given, and so much of the definition of the term "elementary school" in section three of the Elementary Education Act, 1870, as requires that elementary education shall be the principal part of the education given in an elementary school shall not apply to evening schools.

Provisions as to special grants to schools.

**2.**—(1.) Where the population of the school district in which a public elementary school is situate, or the population within two miles measured according to the nearest road from the school, is less than five hundred, and there is no other public elementary school recognised by the Education Department as available for the children of that district or that population (as the case may be), a special parliamentary grant may be made annually to that school to the amount of ten pounds.

(2.) The said special grant shall be in addition to the ordinary annual parliamentary grant, and in addition to any special parliamentary grant made under section nineteen of the Elementary Education Act, 1876, and shall not be included in the calculation of the ordinary annual parliamentary grant for the purpose of determining whether it does or does not exceed any maximum fixed by law. 39 & 40 Vict. c. 79.

(3.) Provided that no school shall be entitled to receive a special grant under this section unless it satisfies the conditions contained in the minutes of the Education Department in force for the time being with regard to special grants under this section.

Short titles.

3.—(1.) This Act may be cited as the Education Code (1890) Act, 1890.

(2.) The Elementary Education Acts, 1870 to 1876, and the Elementary Education Act, 1880, and this Act may be cited collectively as the Elementary Education Acts, 1870 to 1890.

# CHAPTER 23.

## An Act to further improve the Administration of Justice in the Court of Chancery of the County Palatine of Lancaster. [25th July 1890.]

WHEREAS it is expedient to make provision for the better administration of justice in the Court of Chancery of the County Palatine of Lancaster:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Short title.

1. This Act may be cited for all purposes as the Chancery of Lancaster Act, 1890.

Construction. 13 & 14 Vict. c. 43. 17 & 18 Vict. c. 82.

2. This Act shall, so far as is consistent with the tenor thereof, be construed as one with the Court of Chancery of Lancaster Act, 1850, and the Court of Chancery of Lancaster Act, 1854, and such Acts and this Act may be referred to as the Chancery of Lancaster Acts, 1850 to 1890.

Court to have jurisdiction of Chancery Division.

3. From and after the passing of this Act the Court of Chancery of the County Palatine of Lancaster (in this Act called the Lancaster Chancery Court) shall, as regards all persons, bodies corporate, and property within or becoming subject to its jurisdiction, have and exercise the like powers and jurisdiction, and in a similar manner, and subject to the same restrictions in all respects, as the High Court in its Chancery Division now has and exercises, or may, under or by virtue of any Act of Parliament hereafter passed, and not expressly enacting to the contrary hereof, have and exercise, in respect of all persons, bodies corporate, and property within its jurisdiction.

Jurisdiction of Court of Appeal.

4.—(1.) Her Majesty's Court of Appeal shall, as to all judgments and orders of the Lancaster Chancery Court, have and exercise the like appellate and original jurisdiction as the Court of Appeal now has and exercises, or may, under or by virtue of any Act of Parliament hereafter passed, and not expressly enacting to the contrary hereof, have and exercise with respect to judgments and orders of the High Court or of any Judge thereof.

(2.) All judgments and orders of the Court of Appeal in causes or matters now pending or hereafter to be commenced in the Lancaster Chancery Court shall be subject to appeal to the House of Lords in

like manner as judgments or orders of the Court of Appeal in causes or matters commenced or pending in the High Court.

**5.**—(1.) Any cause or matter in the Lancaster Chancery Court, which but for the passing of this Act the Lancaster Chancery Court would not have been competent to try or deal with, and which if the same had been commenced in the High Court would not, under the provisions of the Supreme Court of Judicature Act, 1873, and the Acts amending it or any rules made under those Acts, have been assigned to the Chancery Division of the High Court, may at any stage be transferred from the Lancaster Chancery Court to the High Court by an order either of the Court of Appeal or of the Lancaster Chancery Court. Power of transfer to High Court. 36 & 37 Vict. c. 66.

(2.) In the case of any such transfer all proceedings in the cause or matter shall be transmitted from the Lancaster Chancery Court to the High Court, and shall be filed there; and the cause or matter shall thereafter be proceeded with according to the practice of the High Court as if the cause or matter had been commenced in the High Court.

**6.** Any rules or orders made after the passing of this Act for regulating the procedure or practice of the Lancaster Chancery Court, or the fees to be paid by suitors, or to be charged by or allowed to the officers thereof, and by or to the solicitors thereof, shall be subject to the approval of the authority for the time being empowered to make rules for the Supreme Court, and it shall no longer be necessary to obtain the advice and consent of one of the Lords Justices of Appeal in making rules or orders for the Lancaster Chancery Court. Procedure and fees.

**7.** Whenever the office of Chancellor of the Duchy and County Palatine of Lancaster becomes vacant by death, resignation, or otherwise, the person then holding the office of Vice-Chancellor of the said County Palatine shall, as well during such vacancy as after the determination thereof, unless and until any fresh appointment of Vice-Chancellor is made, continue to be such Vice-Chancellor, and to discharge the duties and exercise the powers of that office, subject, nevertheless, in all respects to the powers exerciseable in regard to that office by the succeeding Chancellor of the said Duchy and County Palatine. Tenure of office of Vice Chancellor.

# CHAPTER 24.

## An Act to amend the Law relating to Deeds of Arrangement. [25th July 1890.]

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

**1.**—(1.) Where the place of business or residence of a debtor who is party to a deed of arrangement, or is referred to therein, is Local registration of deeds

of arrangement in Ireland

situate within the jurisdiction of a local court of bankruptcy in Ireland, the Registrar of Deeds of Arrangement in Ireland shall, within three clear days after registration, transmit a copy of such deed of arrangement to the registrar of the local court of bankruptcy in the district in which such place of business or residence is situate.

(2.) Every copy so transmitted shall be filed, kept, and indexed by the registrar of the local court of bankruptcy, and every person shall have the same right to search, inspect, make extracts from, and obtain copies of the registered copy, in the like manner, and upon the like terms, as to payment or otherwise, as near as may be, as in the case of deeds registered under the principal Act.

Accounts and proposals in petitions for arrangement to be registered. 20 & 21 Vict. c. 60.

**2.**—(1.) Copies of every petition filed in the court of bankruptcy or a local court of bankruptcy in Ireland, under the provisions of section three hundred and forty-three of the Irish Bankrupt and Insolvent Act, 1857, and of the affidavit of assets and liabilities and proceedings instituted by creditors now required from the petitioning debtor by the general orders of the court of bankruptcy or local court of bankruptcy, as the case may be, shall be filed in the bills of sale office of the Queen's Bench Division of the High Court.

(2.) Such copies shall be filed in the said office within two days after the originals have been filed in such court of bankruptcy, and shall be accompanied by an affidavit of the petitioning debtor, which shall set forth, in addition to any prescribed particulars, the place or places where his business is carried on, the title of the firm or firms under which he carries on business, and the names and addresses of his creditors.

(3.) A copy of every order confirming a resolution of creditors made in the matter of a petition filed in the court of bankruptcy or a local court of bankruptcy in Ireland in accordance with the provisions of the said section of the said Act, shall also be filed in the bills of sale office of the Queen's Bench Division of the High Court.

(4.) Such copies shall be filed by the petitioning debtor within two clear days after the making of the order confirming such resolution.

(5.) The court of bankruptcy or a local court of bankruptcy in Ireland shall not order a second sitting of creditors to be held in the matter of a petition for arrangement until it is shown to the satisfaction of the court that subsections one and two of this section have been complied with.

(6.) The seventh section of the principal Act, so far as the said section may be applicable, shall apply to every document and affidavit filed in pursuance of this section, provided always that in such application, the date of filing a petition for arrangement shall be substituted for the date of a deed of arrangement.

(7.) The several documents filed in pursuance of this section shall for the purposes thereof and of section one of this Act be deemed to be a deed of arrangement; and the provisions of section fifteen, subsection one, of the principal Act shall apply thereto, and

the eighty-fourth section of the Supreme Court of Judicature Act (Ireland), 1877, and any enactment for the time being in force amending or substituted for the said section shall apply to fees under this Act, and orders under the said section may, if need be, be made in relation to such fees accordingly. 40 & 41 Vict. c. 57.

(8.) Notwithstanding anything contained in the Irish Bankrupt and Insolvent Act, 1857, and the Bankruptcy (Ireland) Amendment Act, 1872, the eleventh and twelfth sections of the principal Act shall apply to every document and affidavit filed in the Queen's Bench Division of the High Court under this Act. 20 & 21 Vict. c. 60. 35 & 36 Vict. c. 58.

**3.** Rules of court shall be made for the purpose of carrying this Act into effect in accordance with the provisions of section eighteen of the principal Act. Rules of court.

**4.**—(1.) In the construction of this Act, unless the context erwise requires,— Interpretation.

(*a.*) "The principal Act" shall mean the Deeds of Arrangement Act, 1887. 50 & 51 Vict. c. 57.

(*b.*) "A deed of arrangement" shall mean a deed of arrangement as defined in the principal Act.

(*c.*) "Local court of bankruptcy" shall have the same meaning as "local bankruptcy court" has in the Local Bankruptcy (Ireland) Act, 1888. 51 & 52 Vict. c. 44.

**5.** This Act may be cited as the Deeds of Arrangement Amendment Act, 1890. Short title.

**6.** This Act shall come into operation on the first day of September one thousand eight hundred and ninety. Commencement.

## CHAPTER 25.

An Act to make provision for building and enlarging Barracks and Camps in the United Kingdom, and in certain Colonies, and to amend the Law relating to the acquisition of Land for Military purposes.

[25th July 1890.]

WHEREAS it is expedient to make provision for building and enlarging barracks and camps, and for facilitating the training of troops in the United Kingdom, and in certain colonies, and to make better precautions for the health and efficiency of Her Majesty's military forces (which purposes are herein-after referred to as the purposes of this Act):

And whereas by the Drill Grounds Act, 1886, and the Acts therein referred to powers are given to acquire land and rights over land for the purposes of artillery and rifle ranges, and for the purposes of drill and other military purposes of volunteer corps, or of other portions of Her Majesty's military forces, and it is expedient to extend those powers: 49 Vict. c. 5.

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

*Land and Works.*

Power for Secretary of State to carry into effect purposes of Act.

**1.** The Secretary of State for the War Department (herein-after called the Secretary of State) may forthwith proceed to carry into effect the purposes of this Act, and with a view to carrying the same into effect may acquire such lands and execute such works as he may deem expedient; and all lands acquired for the purposes of this Act shall vest in the Secretary of State on behalf of Her Majesty.

Power of Secretary of State for purchase of land.

**2.** With a view to the purchase of lands in the United Kingdom for the purposes of this Act, or for the purposes of artillery or rifle ranges, or for the purposes of drill or other military purposes of volunteer corps or of other portions of Her Majesty's military forces, the Lands Clauses Acts shall be incorporated with this Act, with the exceptions and additions and subject to the provisions following, (that is to say,)

8 & 9 Vict c. 18

8 & 9 Vict c. 19

(1.) There shall not be incorporated with this Act sections sixteen or seventeen of the Lands Clauses Consolidation Act, 1845, or the provisions of that Act with respect to affording access to the special Act, or sections fifteen or sixteen of the Lands Clauses Consolidation (Scotland) Act, 1845.

(2.) In the construction of this Act and the incorporated Acts this Act shall be deemed to be "the special Act," and the Secretary of State shall be deemed to be "the promoters of the undertaking."

(3.) The bond required by section eighty-five of the Lands Clauses Consolidation Act, 1845, and by section eighty-four of the Lands Clauses Consolidation (Scotland) Act, 1845, shall be under the seal of the Secretary of State and shall be sufficient without the addition of the sureties in those sections mentioned.

(4.) The word "lands" shall in this Act and the incorporated Acts include any easement in lands.

(5.) When compensation has been paid to any person in respect of any estate or interest in lands taken under this Act, the lands shall vest in the Secretary of State for all the estate and interest of that person, including any estate or interest therein held in trust by that person or capable of being conveyed by him in pursuance of any power. Nevertheless the Secretary of State may require that person to execute any conveyance which he might have been required to execute if this Act had not passed, and nothing in this section shall in any manner invalidate any such conveyance when executed.

(6.) The Secretary of State shall not put in force the provisions of the incorporated Acts with respect to the purchase of land compulsorily until he has obtained the sanction of Parliament in manner in this Act mentioned.

(7.) One month at the least before making any application to Parliament for sanction to the compulsory purchase of land under this Act the Secretary of State shall serve, in manner provided by the Lands Clauses Acts, a notice on every owner or reputed owner, lessee or reputed lessee, and occupier of any land intended to be so purchased, describing the land intended to be taken, and in general terms the purposes to which it is to be applied, and stating the intention of the Secretary of State to obtain the sanction of Parliament to the purchase thereof, and inquiring whether the person so served assents or dissents to the taking of his land, and requesting him to forward to the Secretary of State any objections he may have to his land being taken.

(8.) The Secretary of State shall, at some time after the service of the notice, make a local inquiry by a competent officer into the objections made by any persons whose land is required to be taken, and by other persons, if any, interested in the subject matter of the inquiry.

(9.) If after the inquiry has been made the Secretary of State is satisfied that the land ought to be taken, he may submit a Bill to Parliament containing provisions authorising him to take the land, and any such Bill shall be deemed to be a public Bill, and, if passed into an Act, to have conveyed to the Secretary of State the sanction of Parliament to purchase the land therein mentioned or referred to.

Provided that if, while the Bill is pending in either House of Parliament, a petition is presented against anything comprised therein, the Bill may be referred to a select committee, and the petitioner shall be allowed to appear and oppose as in the case of private Bills.

**Amendment of 49 Vict c. 5 as to grant of land for military purposes.**

**3.** The persons and bodies of persons mentioned in section two of the Drill Grounds Act, 1886, as being authorised to grant land or a licence to use land for the purposes therein mentioned may, at their option, grant either land or a licence to use land for the purpose of artillery or rifle ranges, or for the purposes of drill or other military purposes of volunteer corps, or of other portions of Her Majesty's military forces, and the provisions of that section shall apply accordingly.

**Power to settle compensation by arbitration. 5 & 6 Vict. c. 94**

**4.** Where land is acquired under the Defence Act, 1842, and the Acts amending the same, the compensation to be paid for the land may, if both parties agree, be settled by arbitration instead of by reference to a jury, and thereupon the provisions of the Lands Clauses Acts shall apply as in the case of an arbitration under those Acts.

*Expenses of Act.*

**Issue of money out of Consolidated Fund for expenses of Act**

**5.** The Treasury shall issue out of the Consolidated Fund, or the growing produce thereof, such sums, not exceeding in the whole the sum of four million one hundred thousand pounds, as may be required by the Secretary of State for carrying into effect the purposes of this Act both in the United Kingdom and in the Colonies according to estimates to be approved by the Treasury.

Restrictions on applications of money issued.

6.—(1.) Before any moneys are issued for the purpose of expenditure under any one of the heads in the Schedule to this Act, the Secretary of State shall submit to the Treasury an estimate, with such details as may be required by the Treasury, of the expenditure under that head for which it is for the time being proposed to issue money.

(2.) The amount specified in the Schedule to this Act for contingent expenses for the purposes of this Act, or any part of that amount, may, with the approval of the Treasury, be added to the amount stated under any other head in the Schedule; but, save as foresaid, there shall be no excess of any expenditure proposed by the estimate under any head in the Schedule above the amount stated for that head in the Schedule, unless there is given a joint certificate of the Treasury and Secretary of State certifying that the excess is compensated by a saving under some other head, and that the excess will not cause the total expenditure to exceed the total sum specified in the Schedule, and upon such certificate being given the said saving may be applied towards the payment of the said excess.

Borrowing to raise money for purposes of Act.

7.—(1.) Subject to the proviso herein-after contained, the Treasury may, if they think fit, at any time after the thirty-first day of March one thousand eight hundred and ninety-one, borrow for the purpose of—

(*a*) providing money for sums to be issued after that date out of the Consolidated Fund under the authority of this Act; or

(*b*) repaying to that fund all or any part of the sums so issued; or

(*c*) paying off any securities issued under this section or replacing in any financial year money expended in paying off such securities in the same financial year.

(2.) For the purposes of this section the Treasury may raise money by means of Treasury bills or Exchequer bonds or terminable annuities or otherwise on the credit of the charge created by this Act on the Consolidated Fund, or partly in one method and partly in another, and all sums borrowed under this section shall be paid into the Exchequer.

(3.) The principal of the securities created or issued, and of the money borrowed under this section, and all interest from time to time due thereon, so far as not otherwise provided for under this Act, shall be paid out of moneys provided by Parliament; and, if those moneys are insufficient, shall be charged on and paid out of the Consolidated Fund or the growing produce thereof, but shall not be payable as part of the permanent annual charge for the National Debt.

(4.) Every loan raised in pursuance of this section shall be discharged before such date as may be fixed by the Treasury.

(5.) If any money is borrowed in pursuance of this section, interest at a rate fixed by the Treasury on the amount so borrowed, or so much thereof as is for the time being due, and such additional sum as may be fixed by the Treasury for repaying the money borrowed within the time limited in pursuance of this section, shall be paid out of the moneys annually provided by Parliament for army services.

**8.** The Secretary of State may, with the concurrence of the Treasury, sell any land in the United Kingdom for the time being vested in him, and occupied for barracks or for purposes connected therewith, and the proceeds of any such sale shall be applied to the purposes of this Act, and the amount authorised to be issued out of the Consolidated Fund under this Act shall be reduced accordingly. Power to sell existing barracks and apply proceeds of sale to purposes of Act.

Provided that if the total proceeds of such sales exceed the total amount so authorised the excess shall be paid into the Exchequer.

**9.**—(1.) The Secretary of State shall, at the end of every financial year in which any part of any sum issued under this Act is expended, cause to be made out an account, in such form as may be required by the Treasury, showing as follows: Accounts of expenditure

(*a*) the money expended during that year in pursuance of this Act, and the purposes on which that money was expended, distinguishing the expenditure under each of the heads in the Schedule to this Act, and

(*b*) the mode in which that money was provided, and the securities (if any) created for providing the same; and

(*c*) the aggregate amount of money expended since the passing of this Act on the purposes thereof, and the aggregate amount of money borrowed and of securities (if any) created for providing for the same, and

(*d*) the balance (if any) of the sums authorised by this Act to be issued

(2.) The accounts of expenditure under this Act shall be audited and reported upon by the Comptroller and Auditor General as appropriation accounts in manner directed by the Exchequer and Audit Departments Act, 1866. 29 & 30 Vict. c 39.

**10.** The Bank of England shall have power to advance to the Treasury any money which may be required for the purposes of this Act. Power for bank to lend.

*Supplemental.*

**11.** All contracts, conveyances, and other documents made in pursuance of or with a view to carrying into effect the purposes of this Act shall be exempted from stamp duty. Exemption from stamp duty.

**12.** Nothing in this Act shall affect the right of the Secretary of State to exercise any powers of acquiring land or other powers vested in him by any Act passed before this Act. Saving

**13.** This Act may be cited as the Barracks Act, 1890. Short title

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## SCHEDULE.

Section 6.

### HEADS OF PROPOSED EXPENDITURE.

| | £ |
|---|---|
| (1.) Construction and re-construction of camps, including married soldiers quarters - - - - | 1,980,000 |
| (2.) Provision of new and enlargement of present barracks, and quarters for married soldiers - - - | 1,670,000 |
| (3.) Purchase of land and buildings - - - | 250,000 |
| (4.) Contingent expenses - - - - - | 200,000 |
| | 4,100,000 |

# CHAPTER 26.

An Act to enable Her Majesty to assent to a Bill for conferring a Constitution on Western Australia.

[25th July 1890.]

WHEREAS a Bill for conferring a constitution on Western Australia has been passed by the Legislative Council of Western Australia and has been reserved for the signification of Her Majesty's pleasure thereon:

And whereas it is provided by the said Bill that the provisions thereof shall have no force or effect until so much and such parts of the Acts of Parliament specified in the Second Schedule to this Act as relate to the colony and are repugnant to the Bill have been repealed:

And whereas it is expedient that Her Majesty be authorised to assent to the said Bill, subject to an amendment thereof as to the pension of the Attorney-General:

And whereas the said Bill as so amended is set forth in the First Schedule to this Act and is in this Act referred to as the scheduled Bill:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Power for Her Majesty to assent to scheduled Bill.

1. It shall be lawful for Her Majesty by Order in Council to assent to the scheduled Bill, notwithstanding anything contained in any of the Acts mentioned in the Second Schedule to this Act.

Repeal of certain provisions in Acts of Parliament relating to Western Australia

2. From the day of the proclamation of this Act in the colony of Western Australia so much and such parts of the several Acts mentioned in the Second Schedule to this Act as relate to the colony of Western Australia and are repugnant to the scheduled Bill shall be repealed.

Provided as follows;

(*a.*) The provisions of the Acts of the session held in the thirteenth and fourteenth years of Her Majesty, chapter fifty-nine, and of the session held in the fifth and sixth years of Her Majesty, chapter seventy-six (being two of the Acts mentioned in the said schedule), which relate to the giving or withholding of Her Majesty's assent to Bills, and the reservation of Bills for the signification of Her Majesty's pleasure thereon, and the instructions to be conveyed to Governors for their guidance in relation to the matters aforesaid, and the disallowance of Bills by Her Majesty, shall apply to Bills to be passed by the Legislative Council and Assembly constituted under the scheduled Bill and this Act, and by any other legislative body or bodies which may at any time hereafter be substituted for the said Legislative Council and Assembly:

(*b.*) So much of the two last-mentioned Acts as relates to the constitution, appointment, and powers of the Legislative Council of the colony of Western Australia shall continue in

force until the first writs have been issued for the election of members to serve in the Legislative Assembly in pursuance of the provisions of the scheduled Bill, but no longer

**3.** The entire management and control of the waste lands of the Crown in the colony of Western Australia, and of the proceeds of the sale, letting, and disposal thereof, including all royalties, mines, and minerals, shall be vested in the legislature of that colony.

Provision as waste lands in Western Australia.

**4.**—(1.) Section seven of the Act of the session held in the eighteenth and nineteenth years of Her present Majesty, chapter fifty-six, is hereby repealed, but all regulations made under that section, and in force at the commencement of this Act, shall continue in force until altered or repealed in pursuance of the powers conferred by this Act, and for the purposes of this section the Acts of the Legislative Council of Western Australia, entitled the Gold Fields Act, 1886, and the Gold Fields Act Amendment Act, 1888, shall have effect as if they were such regulations as aforesaid

Repeal of existing power to make land regulations subject to savings.

(2.) Nothing in this Act shall affect any contract or prevent the fulfilment of any promise or engagement made before the time at which this Act takes effect in the colony of Western Australia on behalf of Her Majesty with respect to any lands situate in that colony, nor shall disturb or in any way interfere with or prejudice any vested or other rights which have accrued or belong to the licensed occupants or lessees of any Crown lands within that colony

**5.** It shall be lawful for the legislature for the time being of Western Australia to make laws altering or repealing any of the provisions of the scheduled Bill in the same manner as any other laws for the good government of that colony, subject, however, to the conditions imposed by the scheduled Bill on the alteration of the provisions thereof in certain particulars until and unless those conditions are repealed or altered by the authority of that legislature.

Power to repeal and alter scheduled Bill.

**6.**—(1.) It shall be lawful for Her Majesty, if at any time or times Her Majesty so thinks fit, by Order in Council, to divide the colony of Western Australia by separating therefrom any portion thereof, and either to erect that portion or any part thereof into a separate colony or colonies under such form of government and legislature as Her Majesty may think fit to establish therein, or to unite the same or any part thereof to any other Australian colony, and further to sub-divide any separate colony so created as aforesaid and to establish in such sub-division any form of government and legislature which Her Majesty may think fit, and to re-unite to the colony of Western Australia any part of any colony so created.

Power to divide the colony

(2.) In the event of any such separation or other proceeding the provisions of the scheduled Bill and of this Act shall apply as far as practicable to the colony of Western Australia as for the time being existing.

(3.) If under the powers conferred by this section any portions of electoral districts are separated from the colony of Western

Australia, the remaining portions not separated shall, until the Legislature of Western Australia otherwise provides, continue to return to the Legislative Assembly of that colony the same number of members as if the separation had not taken place, and the said Assembly shall retain, so far as concerns the colony of Western Australia as constituted after the separation, all the powers and functions vested in it, though it may not thereafter consist of the same number of members as before.

(4.) By any Order in Council made in pursuance of this section power may be given to the legislature of any colony thereby created to make further provision with respect to the government of that colony.

Commencement of Act.

**7.** This Act and the Order in Council signifying Her Majesty's assent to the scheduled Bill shall be proclaimed in Western Australia by the governor or other person lawfully administering the government of Western Australia within three months after he has received a copy thereof, and this Act and the scheduled Bill shall, except as provided in section forty-two of the scheduled Bill, take effect in the colony from the day of such proclamation.

Short title.

**8.** This Act may be cited as the Western Australia Constitution Act, 1890.

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## SCHEDULES.

### FIRST SCHEDULE.

### WESTERN AUSTRALIA.

ANNO QUINQUAGESIMO ————

VICTORIA REGINÆ

No. —

An Act to confer a Constitution on Western Australia, and to grant a Civil List to Her Majesty. [Reserved, 29th April 1889.]

Preamble.

WHEREAS by the thirty-second section of the Imperial Act passed in the session holden in the thirteenth and fourteenth years of the reign of Her present Majesty, intituled "An Act for the better Government of Her Majesty's Australian Colonies," it was among other things enacted that, notwithstanding anything therein-before contained, it should be lawful for the Governor and Legislative Council of Western Australia, from time to time, by any Act or Acts, to alter the provisions or laws for the time being in force under the said Act or otherwise concerning the election of the elective members of such Legislative Council, and the qualification of electors and elective members, or to establish in the said Colony, instead of the Legislative Council, a Council and a House of Representatives or other separate Legislative Houses, to consist of such members to be appointed or elected by such persons and in such manner as by such Act or Acts should be determined, and to vest in such Council and House of Representatives, or other separate Legislative Houses, the powers and functions of the Legislative Council for which the same might be substituted; and whereas it is expedient that the powers vested by the said Act in the said

Governor and Legislative Council should now be exercised, and that a Legislative Council and a Legislative Assembly should be substituted for the present Legislative Council, with the powers and functions herein-after contained: Be it therefore enacted by His Excellency the Governor of Western Australia and its dependencies, by and with the advice and consent of the Legislative Council thereof, as follows:—

Division of Act into parts.

1. This Act is divided into seven parts, namely:—
   Part I.—Parliamentary.
   Part II.—Electoral.
   Part III.—Elective Council.
   Part IV.—Judicial.
   Part V.—Legal
   Part VI.—Financial.
   Part VII.—Miscellaneous.

## PART I.—PARLIAMENTARY.

Legislature to be constituted in Western Australia.

2. There shall be, in place of the Legislative Council now subsisting, a Legislative Council and a Legislative Assembly: and it shall be lawful for Her Majesty, by and with the advice and consent of the said Council and Assembly, to make laws for the peace, order, and good government of the colony of Western Australia and its dependencies; and such Council and Assembly shall, subject to the provisions of this Act, have all the powers and functions of the now subsisting Legislative Council.

Place and time for holding sessions. Prorogation. Dissolution of Assembly.

3. It shall be lawful for the Governor to fix the place and time for holding the first and every other session of the Legislative Council and Legislative Assembly, and from time to time to vary the same as he may judge advisable, giving sufficient notice thereof: and also to prorogue the Legislative Council and Legislative Assembly from time to time, and to dissolve the Legislative Assembly by proclamation or otherwise whenever he shall think fit.

A session every year.

4. There shall be a session of the Legislative Council and Legislative Assembly once at least in every year, so that a period of twelve months shall not intervene between the last sitting of the said Council and Assembly in one session and the first sitting of the said Council and Assembly in the next session

First calling together of legislature.

5. The Legislative Council and Legislative Assembly shall be called together for the first time at some period not later than six months after the commencement of this Act.

Appointment of members of Council.

6. Before the first meeting of the Legislative Council and Legislative Assembly the Governor in council may, in Her Majesty's name, by instruments under the public seal of the colony, summon to the Legislative Council such persons, to the number of fifteen, as he shall think fit, and thereafter may from time to time, as vacancies occur, in like manner summon to the Legislative Council such other persons as he shall think fit, and every person so summoned shall thereby become a member of the Legislative Council.

No member of the Legislative Council shall hold any office of profit under the Crown other than such as is liable to be vacated on political grounds, or than that of an officer of Her Majesty's sea or land forces on full, half, or retired pay.

One at least of the executive offices liable to be vacated on political grounds shall always be held by a member of the Legislative Council.

Tenure of seats in Council.

7. Every member of the Legislative Council shall, subject to the provisions of this Act, hold his seat therein until Part III. of this Act shall come into operation.

Resignation of councillors

8. Any member of the Legislative Council may resign his seat therein by a letter to the Governor, and upon the receipt of such letter by the Governor the seat of such member shall become vacant

Appointment of President

9 The Governor may from time to time, by an instrument under the public seal of the Colony, appoint one member of the Legislative Council to be President, and may remove him and appoint another in his stead, and the President may at any time take part in any debate or discussion in the said Council.

President may take part in debates.

Quorum, division, casting vote

10. The presence of at least five of the members of the Legislative Council, exclusive of the President or of the member presiding, shall be necessary to constitute a quorum for the despatch of business; and all questions in the said Council shall be decided by a majority of votes of the members present, other than the President or the member presiding, and when the votes are equal the President or the member presiding shall have the casting vote.

Constitution of Legislative Assembly.

11. The Legislative Assembly shall consist of thirty members, who shall be elected for the several electoral districts herein-after named and defined.

Convoking of Assembly

12. For the purpose of constituting the Legislative Assembly, the Governor before the time appointed for the first meeting of the Legislative Council and Legislative Assembly, and thereafter from time to time as occasion shall require, may in Her Majesty's name issue writs under the public seal of the Colony for the general election of members to serve in the Legislative Assembly.

Assembly may proceed to business although full number of writs shall not have been returned.

13. Upon any general election the Legislative Assembly shall be competent to proceed to the despatch of business, at the time appointed by the Governor for that purpose, notwithstanding that any of the writs of election not exceeding five shall not have been returned, or that in any of the electoral districts the electors shall have failed to elect a member to serve in the said Assembly.

Duration of Assembly.

14 Every Legislative Assembly shall continue for four years from the day of the return of the writs for choosing the same and no longer; subject, nevertheless, to be sooner prorogued or dissolved by the Governor.

Election of Speaker

15. The members of the Legislative Assembly shall, upon their first assembling after every general election, proceed forthwith to elect one of their number to be Speaker; and in case of his death, resignation, or removal by a vote of the said Assembly, the members shall again elect one of their number to be Speaker. The Speaker so elected shall preside at all meetings of the said Assembly.

Quorum necessary in Legislative Assembly.

16. The presence of at least ten of the members of the Legislative Assembly, exclusive of the Speaker or of the member presiding, shall be necessary to constitute a quorum for the despatch of business; and all questions in the said Assembly shall be decided by the majority of votes of the members present, other than the Speaker or the member presiding, and when the votes are equal the Speaker or the member presiding shall have the casting vote.

Resignation of seats in the Assembly

17 Any member of the Legislative Assembly may resign his seat therein by writing under his hand, addressed to the Speaker, and upon the receipt of such resignation by the Speaker the seat of such member shall become vacant

Qualification for a member of either House

18 No person shall be qualified to be a member of the Legislative Council or of the Legislative Assembly unless he be a natural-born or naturalised subject of Her Majesty of the full age of twenty-one years, nor unless he be seised at law or in equity of an estate of freehold, for his own use and benefit, in lands or tenements within the Colony, of the value of five

hundred pounds, above all charges and incumbrances affecting the same, or of the yearly value of fifty pounds, and shall have been possessed of such estate for at least one year previous to his election.

Declaration of qualification.

19. Every member of the Legislative Council or Legislative Assembly, before he shall sit or vote in the said Council or Assembly, shall make and subscribe the following declaration :—

"I, A.B., do declare that I am seised at law or in equity of an estate of freehold for my own use and benefit, in lands or tenements in the colony of Western Australia, of the value of five hundred pounds sterling money (or of the yearly value of fifty pounds sterling money) above all charges and incumbrances affecting the same; that the said lands and tenements consist of (describing them sufficiently for identification), of which I am seised in fee simple (or as the case may be), that I have been possessed of the said lands and tenements since the day of 1 , and that I have not collusively or colorably obtained a title to or become possessed of the said lands and tenements, or any part thereof, for the purpose of qualifying or enabling me to be elected a member of the Legislative Council (or Assembly) of Western Australia."

Every member shall deliver such declaration to the clerk of the said Council or Assembly (as the case may be) during a sitting of the House, and such declaration shall be filed and kept by the clerk with the other records of his office.

If any member shall in such declaration knowingly and wilfully make any false statement, he shall be guilty of a misdemeanor, and on conviction shall be liable to the same punishment as if he had been convicted of perjury.

Every member who, before making such declaration, shall sit and vote in the said Council, or in the said Assembly after the election of a Speaker, shall be liable for every day on which he shall so sit and vote to a penalty of two hundred pounds, to be recovered by any person who shall sue for the same in the Supreme Court.

Member may alter or make new declaration.

20. If any member of the Legislative Council or Legislative Assembly, after making such declaration, shall sell or otherwise dispose of the property described therein, or any part thereof, or shall wish to make any alteration in the description of such property, or to substitute other property for the property so described, he may at any time make and subscribe another similar declaration, and shall deliver the same to the clerk of the said Council or Assembly (as the case may be), to be by him filed and kept with the other records of his office.

Members selling qualifying property, after making declaration, disqualified to sit.

21. If any member of the Legislative Council or Legislative Assembly, after making any such declaration, shall sell or otherwise dispose of the property described therein, or any part thereof, so that the remainder is insufficient to constitute the qualification required for a member, he shall be disqualified from holding his seat, and if he shall sit or vote in the said Council or Assembly (as the case may be) after he shall have become so disqualified, he shall for every day on which he shall so offend be liable to a penalty of two hundred pounds, to be recovered by any person who shall sue for the same in the Supreme Court: Provided always, that if such member, at or before the time of selling or otherwise disposing of such property, be seised of other property sufficient to constitute a qualification, he may hold his seat in the said Council or Assembly (as the case may be) if he shall, previously to sitting or voting, have made and subscribed another such declaration, and shall have delivered the same to the clerk of the Council or Assembly (as the case may be), to be filed and kept as aforesaid: Provided further, that the property qualification mentioned in section eighteen and the provisions of this section and of the two next

preceding sections shall not apply to any member of the Legislative Council until Part III. of this Act shall come into operation.

No member of the legislature allowed to sit or vote unless and until he be sworn or have affirmed.

22. No member of the Legislative Council or Legislative Assembly shall sit or vote therein until he shall have taken and subscribed the following oath before the Governor, or before some person authorised by the Governor to administer such oath:

"I, A.B., do sincerely promise and swear that I will be faithful and bear true allegiance to Her Majesty Queen Victoria, as lawful Sovereign of the United Kingdom of Great Britain and Ireland, and of this colony of Western Australia. So help me God."

Affirmation may be made instead of oath.

Provided always, that if the taking of an oath is according to the religious belief of any member unlawful, such member may make and subscribe the following affirmation:

"I, A.B., solemnly declare that the taking of an oath is according to my religious belief unlawful, and I do sincerely promise and affirm that I will be faithful and bear true allegiance to Her Majesty Queen Victoria, as lawful Sovereign of the United Kingdom of Great Britain and Ireland, and of this colony of Western Australia."

And whensoever the demise of Her present Majesty (whom may God long preserve), or of any of Her successors, shall be notified by the Governor to the said Council and Assembly respectively, the members of the said Council and Assembly shall, before they shall be permitted to sit and vote therein, take and subscribe the like oath or affirmation of allegiance to the successor for the time being to the Crown.

Disqualification for membership of either House

23. No person shall be qualified to be a member of the Legislative Council or Legislative Assembly, if he—

(1) be a member of the other House of the Legislature; or
(2) be a judge of the Supreme Court; or
(3) be the sheriff of Western Australia; or
(4) be a clergyman or minister of religion; or
(5) be an undischarged bankrupt or a debtor whose affairs are in course of liquidation or arrangement; or
(6) has been in any part of Her Majesty's dominions attainted or convicted of treason or felony.

Persons holding contracts for the public service shall be incapable of being elected or sitting

24. Any person who shall directly or indirectly, himself, or by any person whomsoever in trust for him, or for his use or benefit, or on his account, undertake, execute, hold, or enjoy in the whole or in part any contract, agreement, or commission made or entered into with, under, or from any person whomsoever, for or on account of the Government of the Colony;

Or shall knowingly furnish or provide in pursuance of any such contract, agreement, or commission any money to be remitted abroad, or any goods whatsoever to be used or employed in the service of the public;

And any member of any company, and any person holding any office or position in any company formed for the construction of any railway or other public work, the payment for which, or the interest on the cost of which has been promised or guaranteed by the Government of the Colony;

shall be incapable of being a member of the Legislative Council or Legislative Assembly during the time he shall execute, hold, or enjoy any such contract, agreement, or commission, or office or position, or any part or share thereof, or any benefit or emolument arising from the same.

Any member accepting a contract, or

25. If any person, being a member of the Legislative Council or Legislative Assembly, shall directly or indirectly, himself, or by any

person whomsoever in trust for him, or for his use or benefit, or on his account, enter into, accept, or agree for, undertake, or execute, in the whole or in part, any such contract, agreement, or commission as aforesaid, or if any person being a member of the said Council or Assembly, and having already entered into any such contract, agreement, or commission, or any part or share of any such contract, agreement, or commission, by himself, or by any other person whomsoever in trust for him, or for his use or benefit, or upon his account, shall, after the commencement of the next session of the legislature, continue to hold, execute, or enjoy the same, or any part thereof, the seat of every such member shall be void: Provided that nothing in this or the last preceding section shall extend to persons contributing towards any loan for public purposes heretofore or hereafter raised by the colony, or to the holders of any bonds issued for the purpose of any such loan.

*Continuing to hold any contract after the commencement of the next session, his seat shall be void.*

26 The foregoing provisions shall not extend to any contract, agreement, or commission made, entered into, or accepted by any incorporated company where such company consists of more than twenty persons, and where such contract, agreement, or commission is made, entered into, or accepted for the general benefit of such company, nor to any contract or agreement in respect of any lease, license, or agreement in respect to the sale or occupation of Crown lands.

*Not to extend to incorporated trading companies.*

27. The foregoing provisions shall not extend to any person on whom, after the commencement of this Act, the completion of any contract, agreement, or commission shall devolve by descent, or limitation, or by marriage, or as devisee, or legatee, until twelve months after he shall have been in possession of the same, or to any executor or administrator until three years after he shall have been in possession of the same.

*Not to extend to contracts by descent*

28. If any person while holding an office of profit under the Crown, other than that of an officer of Her Majesty's sea or land forces on full, half, or retired pay, be elected a member of the Legislative Assembly, or of the Legislative Council after Part III. of this Act shall be in operation, he shall, if he takes the oath or makes the affirmation herein-before prescribed, be held by so doing to vacate his said office.

*Office holder taking the oath as member thereby to vacate his office.*

Provided always, that there shall be five principal executive offices of the Government liable to be vacated on political grounds, and that to such offices this section shall not apply.

*Chief executive offices excepted.*

The said offices shall be such five offices as shall be designated and declared by the Governor in council, within one month of the coming into operation of this Act, and thereafter from time to time as may be, to be the five principal executive offices of the Government for the purposes of this Act

*Such offices to be designated.*

29. If any member of the Legislative Council or Legislative Assembly, after his nomination or election,—

*Seats in Parliament vacated in certain cases.*

(1.) Ceases to be qualified or becomes disqualified as aforesaid; or,

(2.) Becomes of unsound mind; or,

(3.) Takes any oath or makes any declaration or acknowledgment of allegiance, obedience, or adherence to any foreign Prince or Power, or does, concurs in, or adopts any act whereby he may become a subject or citizen of any foreign State or Power, or whereby he may become entitled to the rights, privileges, or immunities of a subject or citizen of any foreign State or Power; or,

(4.) Fails to give his attendance in the Legislative Council, or in the Legislative Assembly, as the case may be, for two consecutive months of any session thereof without the permission of the said Council or Assembly, as the case may be, entered upon its journals, or,

(5.) Accepts any pension during pleasure or for term of years, or any office of profit from the Crown other than that of an officer of Her Majesty's sea or land forces on full, half, or retired pay,

his seat shall thereupon become vacant: Provided that members accepting offices liable to be vacated on political grounds shall be eligible for re-election, or, while the council remains nominated, for re-appointment.

Vacancies in the Council.

30. Whenever any question arises respecting any vacancy in the Legislative Council the same shall be referred by the Governor to the said Council to be by the said Council heard and determined.

Election to take place on vacancies.

31. Whenever a vacancy occurs in the Legislative Assembly from any cause upon a resolution by the Assembly declaring such vacancy and the cause thereof, the Speaker shall cause a writ to be issued for supplying such vacancy.

The Speaker may, in the case of a vacancy caused by death or resignation, issue such writ without such preceding resolution when the Assembly is not in session.

Summons or election of disqualified persons void.

32. If any person by this Act disabled or declared to be incapable to sit or vote in the Legislative Council or Legislative Assembly shall nevertheless be summoned to the said Council, or elected and returned as a member to serve in the said Assembly (or in the Legislative Council after the coming into operation of Part III. of this Act), such summons or election and return may be declared by the said Council or Assembly, as the case may require, to be void, and thereupon the same shall become and be void to all intents and purposes whatsoever; and if any person under any of the disqualifications mentioned in this Act shall, whilst so disqualified, presume to sit or vote as a member of the said Council or Assembly, such person shall forfeit the sum of five hundred pounds, to be recovered by any person who shall sue for the same in the Supreme Court

Presence of unqualified persons not to invalidate proceedings.

33. The proceedings of the Legislative Council or Legislative Assembly shall not be invalidated by reason of the presence thereat of any person by this Act disabled or declared to be incapable to sit or vote in the said Council or Assembly.

Standing rules and orders.

34. The Legislative Council and Legislative Assembly in their first session, and from time to time afterwards as there shall be occasion, shall each adopt standing rules and orders, joint as well as otherwise, for the regulation and orderly conduct of their proceedings and the despatch of business, and for the manner in which the said Council and Assembly shall be presided over in the absence of the President or the Speaker, and for the mode in which the said Council and Assembly shall confer, correspond, and communicate with each other, and for the passing, intituling, and numbering of Bills, and for the presentation of the same to the Governor for Her Majesty's assent; and all such rules and orders shall by the said Council and Assembly respectively be laid before the Governor, and being by him approved shall become binding and of force.

Salaries of President, Speaker, and officers.

35. The salary of the President of the Legislative Council shall be at least equal to the salary of the Speaker of the Legislative Assembly; and the salaries and allowances of the various officers of the Legislative Council shall be the same as those of the corresponding officers of the Legislative Assembly; and the chief clerk for the time being of the Legislative Council and of the Legislative Assembly shall respectively be removable from office only in accordance with a vote of the House of which he is an officer.

Privileges of both Houses.

36. It shall be lawful for the legislature of the Colony by any Act to define the privileges, immunities, and powers to be held, enjoyed, and exercised by the Legislative Council and Legislative Assembly, and by the members thereof respectively: Provided that no such privileges, immunities, or powers shall exceed those for the time being held, enjoyed, and exercised by the Commons House of Parliament, or the members thereof

## PART II.—ELECTORAL.

37. The colony shall be divided into thirty electoral districts, each returning one member to serve in the Legislative Assembly, that is to say, the districts of— Electoral districts.

| | | |
|---|---|---|
| East Kimberley. | Moore. | Bunbury. |
| West Kimberley | Swan. | Nelson |
| Roebourne. | Perth. | Sussex. |
| De Grey. | East Perth. | Toodyay. |
| Ashburton. | West Perth. | Northam. |
| Gascoyne. | Fremantle. | York. |
| Murchison. | North Fremantle | Beverley. |
| Geraldton. | South Fremantle. | Williams. |
| Greenough. | Murray. | Plantagenet. |
| Irwin. | Wellington. | Albany. |

The boundaries of the said electoral districts shall be those in Schedule A. to this Act.

38. Except as otherwise provided in this Act, the existing laws relating to the qualification of electors, the mode of election, and all other matters concerning elections, shall be in force, and apply to the election of members to serve in the Legislative Assembly in the same manner as they are now in force in respect of election to the existing Legislative Council. Electoral laws.

The electoral laws existing at the date of the coming into operation of Part III. of this Act shall, except as otherwise provided in this Act, be in force and apply to the election of members to serve in the Legislative Council for electoral divisions, in the same manner as such laws shall then be in force in respect of election to the Legislative Assembly for electoral districts.

39. Every man shall be entitled to be registered as a voter, and when registered to vote for a member to serve in the Legislative Assembly for an electoral district, who is qualified as follows; (that is to say,) Qualification of electors

(1.) Is of full age and not subject to any legal incapacity; and

(2.) Is a natural-born or naturalised subject of Her Majesty, or a denizen of Western Australia; and

(3.) Has possessed for at least one year before being registered, and within the electoral district for which he seeks to be registered:

(*a.*) Either a freehold estate in possession at law or in equity of the clear value of one hundred pounds sterling above all charges or incumbrances affecting the same; or

(*b.*) A leasehold estate in possession of the clear value of ten pounds sterling per annum; or

(*c.*) A lease or license from the Crown empowering him, subject to the payment of at least ten pounds sterling per annum, to depasture, occupy, cultivate, or mine upon Crown lands; or

(4.) Has occupied for at least one year before being registered, and within the electoral district for which he seeks to be registered:

(*a.*) As householder a dwelling-house of the clear value of ten pounds sterling per annum; or

(*b.*) As a lodger a room or rooms or lodgings of the clear annual value, unfurnished, of ten pounds sterling

No man shall be entitled to vote at any election for the Legislative Assembly, or for the Legislative Council when constituted under Part III. of this Act, who has been attainted or convicted of treason, felony, or any infamous offence in any part of Her Majesty's dominions unless he shall have served his sentence for the same, or have received a free pardon for such offence, or a pardon conditional on his not leaving the colony.

When joint owners and occupiers shall be entitled to be registered as voters and to vote.

40. Where any premises are jointly owned, occupied, or held on lease or license within the meaning of the last preceding section, or of section fifty-three after Part III. of this Act shall be in operation, by more persons than one, each of such joint owners, occupiers, leaseholders, or licensees shall be entitled to be registered as a voter, and to vote in respect of the said premises in case the value of his individual interest therein, separately considered, would, under the provisions of the last preceding section, or of section fifty-three, entitle him to be registered as a voter and to vote.

Electoral lists.

41 The names of electors under this Act shall be inserted in the electoral lists of the electoral districts, and (when Part III. shall come into operation) in the electoral lists of the electoral divisions, in which they shall be respectively qualified; and all such lists shall specify the Christian and surnames of all such electors, the nature of the qualification, and the place where they respectively reside; and all such lists shall be signed, delivered, printed, and hung up for public inspection by the persons and in the way prescribed in the Electoral Acts for the time being in force, and shall be subject to such claims and notice from any person whose name shall have been omitted therein, and to such objections and notice as to the names of any persons inserted therein, and to such modes of altering, amending, or continuing any such lists as are, or shall be, in these said several respects provided for in the said Electoral Acts, as nearly as may be consistently with the rights of such new electors.

Provided that it shall be lawful, in order to the convenient holding of the first general election under this Act to the Legislative Assembly, and of the general election, mentioned in Part III. of this Act, to the Legislative Council, for the Governor in council to make such arrangements, appoint such persons, and fix such dates and periods, as may to him seem under the circumstances to be required for the doing of any matter or thing necessary to be done under any Electoral Act, notifying the same in the "Government Gazette." Any Electoral Act affected by such notice shall be deemed to be varied accordingly, for the purposes of the said elections.

## PART III.—ELECTIVE COUNCIL.

Operation

42. When six years shall have elapsed from the date of the first summoning, under section six of this Act, of persons to the Legislative Council, or when the Registrar General of the colony shall have certified by writing under his hand to be published in the "Government Gazette," that the population of the colony has, to the best of his knowledge and belief, exclusive of aboriginal natives, attained to sixty thousand souls, whichever event shall first happen, this part shall come into operation, provided that the Governor in council shall have power, by proclamation in the "Government Gazette," to further postpone the operation of this part for any period not exceeding six months.

Certain sections to lapse.

43. On the coming into operation of this part, the first paragraph of section six, and sections eight, nine, and thirty of this Act shall, saving validity of things done, cease to have any operation.

New Legislative Council.

44. From and after the coming into operation of this part, the Legislative Council, as constituted hereunder, shall take the place under this Act and have all the powers and functions of the then subsisting Legislative Council, which shall then cease to exist. Except as provided in the previous section, all the provisions of this Act relating to the Legislative Council shall apply to the Council constituted under this part.

To be elected.

45. The Legislative Council shall consist of fifteen elected members, who shall be returned and shall sit for electoral divisions, as herein-after stated and defined.

46. For the purpose of constituting the Legislative Council, the Governor, before the time appointed for the first meeting of the Legislative Council and Legislative Assembly, after this part shall be in operation, may, in Her Majesty's name, issue writs under the public seal of the colony for a general election of members to serve in the Legislative Council. Convoking of elected Council

47. Upon the general or any subsequent election, the Legislative Council shall be competent to proceed to the despatch of business, at the time appointed by the Governor for that purpose, notwithstanding that any of the writs of election not exceeding two shall not have been returned, or that in any of the electoral divisions the electors shall have failed to elect a member to serve in the said Council. Council may proceed to business although full number of writs shall not have been returned.

48. The seat of the senior member of the Legislative Council for the time being for each electoral division shall be vacated on the completion of a period of two years from the first day of March following the date on which this part shall come into operation, and also on the completion of each succeeding period of two years. For the purposes of this section, the seniority of a member of the Legislative Council shall be determined by the date of his election, and in the event of two or more persons being elected for a division upon the same day, by the alphabetical precedence of their surnames, and, if necessary, of their Christian names. Members of Council to retire in rotation.

Upon a seat becoming vacant under this section, the Governor may, in Her Majesty's name, issue a writ, under the public seal of the colony, for the election of a member to fill the seat thus vacated. Writ for new election.

49. The members of the Legislative Council shall, upon their first assembly after the general election, proceed forthwith to elect one of their number to be President; and in case of his death, resignation, or removal by a vote of the Council, the members shall again elect one of their number to be President. The President so elected shall preside at all meetings of the said Council. Election of President.

50. Any member of the Legislative Council may resign his seat therein, by writing under his hand, addressed to the President, and upon the receipt of such resignation by the President the seat of such member shall become vacant. Resignation of seats in Council.

51. Whenever a vacancy, other than under section forty-eight of this Act occurs in the Legislative Council, from any cause, upon a resolution by the Council declaring such vacancy and the cause thereof the President shall cause a writ to be issued for supplying such vacancy. The President may, in the case of a vacancy caused by death or resignation, issue such writ without such preceding resolution, when the Council is not in session. President to issue election writ in certain cases.

52. The colony shall be divided into five electoral divisions, each returning three members to serve in the Legislative Council; that is to say, Electoral divisions.

The metropolitan division, comprising Perth, East Perth, West Perth, Fremantle, North Fremantle, and South Fremantle electoral districts.

The north division, comprising the East Kimberley, West Kimberley, Roebourne, De Grey, and Ashburton electoral districts.

The central division, comprising the Gascoyne, Murchison, Geraldton, Greenough, and Irwin electoral districts.

The east division, comprising the Moore, Swan, Toodyay, Northam, York, and Beverley electoral districts.

The south division, comprising the Murray, Wellington, Bunbury, Nelson, Sussex, Williams, Plantagenet, and Albany electoral districts.

53. Every man shall be entitled to be registered as a voter, and, when registered, to vote for each of any number of candidates not exceeding the Qualification of electors.

number of members to be elected to serve in the Legislative Council for an electoral division, who is qualified as follows; (that is to say,)

(1.) Is of full age, and not subject to any legal incapacity; and,

(2.) Is a natural born or naturalised subject of Her Majesty, or a denizen of Western Australia; and,

(3.) Has possessed for at least one year before being registered, and within the electoral division for which he seeks to be registered:

(*a.*) Either a freehold estate in possession at law or in equity of the clear value of two hundred pounds sterling above all charges or encumbrances affecting the same; or,

(*b.*) A leasehold estate in possession of the clear value of thirty pounds sterling per annum; or,

(*c.*) A lease or license from the Crown empowering him, subject to the payment of at least thirty pounds sterling per annum, to depasture, occupy, cultivate, or mine upon Crown lands; or,

(4.) Has occupied, for at least one year before being registered, and within the electoral division for which he seeks to be registered, as a householder a dwelling-house of the clear value of thirty pounds sterling per annum.

## PART IV.—JUDICIAL.

Judges continued in the enjoyment of their offices during good behaviour.

54. The commissions of the present judges of the Supreme Court and of all future judges thereof shall be, continue, and remain in full force during their good behaviour, notwithstanding the demise of Her Majesty (whom may God long preserve), any law, usage, or practice to the contrary notwithstanding.

But they may be removed by the Crown on the Address of both Houses.

55. It shall be lawful nevertheless for Her Majesty to remove any such judge upon the Address of both Houses of the Legislature of the colony.

Their salaries continued during the continuance of their commissions

56. Such salaries as are settled upon the judges for the time being by this or any other Act, and also such salary as shall be voted to any judge of the Supreme Court, shall in all time coming be paid and payable to every such judge for the time being, so long as his patent or commission continues in force.

## PART V.—LEGAL.

Existing law saved

57. All laws, statutes, and ordinances which at the commencement of this Act are in force within the colony shall until repealed or varied by any Act of the legislature continue to be of the same force, authority, and effect as if this Act had not been passed, except in so far as the same are repugnant to this Act (in which case they are to that extent hereby amended and repealed as necessary).

Courts of justice, commissions, officers, &c

58. All courts of civil and criminal jurisdiction, and all legal commissions, powers, and authorities, and all officers, judicial, administrative, or ministerial, within the colony at the commencement of this Act shall, except in so far as they are abolished, altered, or varied by this or any future Act of the legislature of the colony or other competent authority, continue to subsist in the same form and with the same effect as if this Act had not been passed.

Custom duties may be imposed not differential.

59. It shall be lawful for the legislature of the colony, subject to the provisions of this Act, to impose and levy such duties of Customs as to it may seem fit, on the importation into the colony of any goods whatsoever, whether the produce of or exported from the United Kingdom or any of the colonies or dependencies of the United Kingdom or any foreign

country: Provided always, that, except as authorised by the Imperial Act known as the Australian Colonies Duties Act, 1873, no new duty shall be imposed upon the importation into the colony of any article the produce or manufacture of or imported from any particular country or place which shall not be equally imposed on the importation into the colony of the like article the produce or manufacture of or exported from all other countries and places whatsoever.

60. It shall not be lawful for the legislature of the colony to levy any duty upon articles imported bonâ fide for the supply of the Governor or of Her Majesty's land or sea forces, nor to levy any duty, impose any prohibition or restriction, or grant any exemption or any drawback or other privilege upon the importation or exportation of any articles, nor to enforce any dues or charges upon shipping, contrary to or at variance with any treaty concluded by Her Majesty with any foreign Power.

Duties not to be levied on supplies for Governor or troops nor any duties inconsistent with treaties.

61. Nothing in this Act contained shall prevent Her Majesty from dividing the colony of Western Australia as she may from time to time think fit, by separating therefrom any portion thereof, and either erecting the same or any part thereof into a separate colony or colonies under such orm of Government as she may think fit, or from sub-dividing any colony so created, or from re-uniting to the colony of Western Australia any part of any colony so created.

Separation of the colony.

62. In the event of any such separation or other proceeding as in the last preceding section mentioned, the provisions of this Act shall apply, so far as practicable, to the colony of Western Australia as for the time being existing.

After separation, Act to apply to remaining part of colony.

## PART VI.—FINANCIAL.

63. Whenever any portion of the colony is about to be separated therefrom, the Lords Commissioners of Her Majesty's Treasury may if requested by the Governor in Council, on report and accounts furnished by him, declare what portion of the public debt of the Colony has been expended within the territory about to be separated, and the interest and sinking fund, if any, upon the portion of the public debt mentioned in any such declaration shall be a reserved charge payable to the Government of Western Australia by the Government of the separated territory, and due provision for such reserved charge shall be made in any Act regulating the constitution of the separated territory. Provided always, that nothing herein contained, and no declaration or provision as aforesaid, shall in any way prejudice or affect the security of any debentures which may have been issued by the Government of Western Australia before the separation of any such territory

Liability of separated portion of colony for public debt

64. All taxes, imposts, rates, and duties and all territorial, casual, and other revenues of the Crown (including royalties) from whatever source arising within the colony, over which the Legislature has power of appropriation, shall form one Consolidated Revenue Fund to be appropriated to the public service of the colony in the manner and subject to the charges herein-after mentioned.

All duties and revenues to form Consolidated Revenue Fund.

65. The Consolidated Revenue Fund shall be permanently charged with all the costs, charges, and expenses incident to the collection, management, and receipt thereof; such costs, charges, and expenses being subject nevertheless to be reviewed and audited in such manner as is directed by the Audit Act, 1881, or as may from time to time be directed by any Act of the Legislature.

Such fund permanently charged with expenses of collection.

66 All Bills for appropriating any part of the Consolidated Revenue Fund or for imposing, altering, or repealing any rate, tax, duty, or impost, shall originate in the Legislative Assembly.

Appropriation and Tax Bills.

No money vote or Bill lawful unless recommended by the Governor.

67. It shall not be lawful for the Legislative Assembly to adopt or pass any vote, resolution, or Bill for the appropriation of any part of the Consolidated Revenue Fund, or of any rate, tax, duty, or impost, to any purpose which has not been first recommended to the Assembly by message of the Governor during the Session in which such votes, resolutions, or Bill is proposed.

No part of public revenue to be issued except on warrants from Governor.

68. No part of the public revenue of the colony arising from any of the sources aforesaid shall be issued except in pursuance of warrants under the hand of the Governor directed to the treasurer.

Civil List.

69. There shall be payable to Her Majesty, in every year, out of the Consolidated Revenue Fund, sums not exceeding in the whole nine thousand eight hundred and fifty pounds, for defraying the expenses of the services and purposes set forth in Schedule B. to this Act, and the said several sums shall be issued by the treasurer in discharge of such warrants as shall from time to time be directed to him under the hand of the Governor.

Sum payable to Aborigines Protection Board.

70. There shall be payable to Her Majesty, in every year, out of the Consolidated Revenue Fund the sum of five thousand pounds mentioned in Schedule C. to this Act to be appropriated to the welfare of the aboriginal natives, and expended in providing them with food and clothing when they would otherwise be destitute, in promoting the education of aboriginal children (including half-castes), and in assisting generally to promote the preservation and well-being of the aborigines. The said annual sum shall be issued to the Aborigines Protection Board by the treasurer on warrants under the hand of the Governor, and may be expended by the said Board at their discretion, under the sole control of the Governor, anything in the Aborigines Protection Act, 1886, to the contrary notwithstanding. Provided always, that if and when the gross revenue of the colony shall exceed five hundred thousand pounds in any financial year, an amount equal to one per centum on such gross revenue shall, for the purposes of this section, be substituted for the said sum of five thousand pounds in and for the financial year next ensuing.

If in any year the whole of the said annual sum shall not be expended, the unexpended balance thereof shall be retained by the said Board, and expended in the manner and for the purposes aforesaid in any subsequent year.

Compensation to officers.

71. And whereas by the operation of this Act certain officers of the Government may lose their offices on political grounds, and it is just to compensate such officers for such loss, be it enacted that the sums set opposite to the names of the persons in Schedule D., to this Act, who at present respectively hold the offices therein mentioned, shall be payable to them annually by way of retiring allowance upon their ceasing to hold office on political grounds after the commencement of this Act; and all such sums shall be paid to such persons out of the Consolidated Revenue Fund, and the treasurer shall make such payments accordingly, on warrants under the hand of the Governor. Provided that if after any such allowance shall have become payable, the person entitled thereto shall accept any appointment under the Crown in any part of Her Majesty's dominions, then such allowance shall, during the tenure of such appointment, be suspended or be reduced pro tanto according as the salary of such appointment added to such allowance is greater than the salary of the office vacated in consequence of this Act.

Consolidated Revenue to be appropriated by Act of the Legislature.

Debenture or any other

72. After and subject to the charges herein-before mentioned, all the Consolidated Revenue Fund shall be appropriated to such purposes as any Act of the Legislature shall prescribe. Provided that nothing in this Act shall affect the payment of the annual interest or the principal sums mentioned in any outstanding debentures, or of any other charge upon

the public revenue, as such interest, principal, or charge becomes due. Nor shall anything in this Act affect any pensions or superannuation allowances which at the commencement of this Act are by law chargeable upon the public revenue of the colony, but all such pensions and superannuation allowances shall remain and be so chargeable, and shall be paid out of the Consolidated Revenue Funds, and all rights and benefits which at the commencement of this Act are by law claimable by or accruing to any civil servant of the Government are hereby reserved and maintained: Provided, nevertheless, that the power to suspend or remove any civil servant from his office shall be vested in the Governor in Council.

charges on Consolidated Revenue Fund not to be affected by such consolidation.

## PART VII.—MISCELLANEOUS.

73. The Legislature of the colony shall have full power and authority from time to time by any Act to repeal or alter any of the provisions of this Act: Provided always, that it shall not be lawful to present to the Governor for Her Majesty's assent any Bill by which any change in the constitution of the Legislative Council or of the Legislative Assembly shall be effected unless the second and third readings of such Bill shall have been passed with the concurrence of an absolute majority of the whole number of the members for the time being of the Legislative Council and the Legislative Assembly respectively: Provided also, that every Bill which shall be so passed for the election of a Legislative Council at any date earlier than by Part III. of this Act provided, and every Bill which shall interfere with the operation of sections sixty-nine, seventy, seventy-one, or seventy-two of this Act, or of Schedules B., C., or D., or of this section, shall be reserved by the Governor for the signification of Her Majesty's pleasure thereon.

Legislature as constituted by this Act empowered to alter any of its provisions.

74. The appointment to all public offices under the Government of the colony hereafter to become vacant or to be created, whether such offices be salaried or not, shall be vested in the Governor in Council, with the exception of the appointments of officers liable to retire from office on political grounds, which appointments shall be vested in the Governor alone. Provided always, that this enactment shall not extend to minor appointments which by Act of the Legislature or by order of the Governor in Council may be vested in heads of departments or other officers or persons within the colony.

Appointment to offices under the Government of the colony to be vested in the Governor.

75. For the purposes of this Act—

Interpretation.

"Her Majesty" means, when not repugnant to the context, Her Majesty, her heirs and successors.

"Governor" means the person for the time being lawfully administering the Government of Western Australia, or the lawfully appointed deputy of such person.

"Governor in Council" means the Governor acting with the advice of the Executive Council.

"Treasurer" means the treasurer of the colony for the time being.

"Aborigines Protection Board" means the board established under "The Aborigines Protection Act, 1886," or any board with similar functions established in its place under any Act adding to, amending, or substituted for the said Act.

"Person" includes a corporation or association of persons.

"Month" means calendar month.

76. The foregoing provisions of this Act shall have no force or effect until so much and such parts of the following Acts of the Parliament of the United Kingdom, that is to say: thirteenth and fourteenth Victoria, chapter fifty-nine, intituled An Act for the better Government of Her Majesty's Australian Colonies; fifth and sixth Victoria, chapter seventy-

Operation of Act deferred.

13 & 14 Vict. c. 59.

5 & 6 Vict. c. 76.

six, intituled An Act for the better Government of New South Wales and Van Dieman's Land; seventh and eighth Victoria, chapter seventy-four, intituled An Act to explain and amend the Act for the Government of New South Wales and Van Dieman's Land, as severally relate to the colony of Western Australia, and are repugnant to this Act, shall have been repealed.

7 & 8 Vict. c. 74.

Act to be proclaimed.

77. This Act shall be proclaimed in Western Australia, by the Governor, within three months after he shall have received official information of the Royal Assent thereto, and shall commence and, except as provided in section forty-two, take effect from the date of such proclamation.

Short title

78. This Act may be cited for all purposes as the Constitution Act, 1889.

I reserve this Bill for the signification of Her Majesty's pleasure thereon.

F. NAPIER BROOME,
Governor.

## SCHEDULE A.

### EAST KIMBERLEY ELECTORAL DISTRICT.

Bounded on the east by the eastern boundary of the colony (longitude 129° E.). On the south by the parallel of 19° 30′ south latitude. On the west by the meridian of 126° east longitude as far north as the parallel of 16° south latitude, thence due west along said parallel to the sea coast, and on the north by the sea coast, including the islands adjacent.

### WEST KIMBERLEY ELECTORAL DISTRICT.

Bounded on the north by the 16th parallel of south latitude. On the east by the 126th meridian of east longitude. On the south by the parallel of 19° 30′ south latitude, and on the westward by the sea coast, including the islands adjacent.

### ROEBOURNE ELECTORAL DISTRICT.

Bounded on the south by an east and west line through Mount Gregory. On the east by Jones Creek. On the west by the Nickol River, and by a north line from where it enters the Marsh; and on the north by the sea coast, including the islands adjacent.

### DE GREY ELECTORAL DISTRICT.

Bounded on the north by the parallel of 19° 30′ south latitude, and by the sea coast, including the islands adjacent, as far west as the mouth of a watercourse known as Jones Creek. On the west by said creek upwards from its mouth aforesaid to a spot due east from Mount Gregory; thence due west to Mount Gregory aforesaid, and thence due south. On the south by the tropic of Capricorn; and on the east by the eastern boundary of the colony.

### ASHBURTON ELECTORAL DISTRICT.

Bounded on the south by the tropic of Capricorn. On the east by a north line to Mount Gregory, thence west to the Nickol River, thence by said river northward to where it enters the Marsh, and thence due north; and on the north and west by the sea coast, including the islands adjacent.

### GASCOYNE ELECTORAL DISTRICT.

Bounded on the north by the tropic of Capricorn. On the west by the sea coast, including the island adjacent to it. On the south by an east line

from the sea coast towards Mount Murchison to a spot due north, through a point 8 miles west of Tallering Peak ; thence due north, thence due east, through a point 10 miles north of Mount Gould ; and on the east by the eastern boundary of the colony.

### MURCHISON ELECTORAL DISTRICT

Bounded on the north by an east line, passing through a spot 10 miles north of Mount Gould on the Murchison. On the west by a south line passing through a spot 8 miles west of Tallering Peak. On the south by an east line passing through a spot 1½ miles north of Gulleway Spring ; and on the east by the eastern boundary of the colony.

### GERALDTON ELECTORAL DISTRICT.

Bounded on the north by an east line from the sea coast in the direction of Mount Murchison. On the west by the sea coast, including the islands adjacent. On the south by a line from the mouth of the Greenough River to Wizard Peak, and thence due east; and on the east by a north line passing through a spot 8 miles west of Tallering Peak.

### GREENOUGH ELECTORAL DISTRICT.

Bounded on the north by a line from the mouth of the Greenough River to Wizard Peak, and thence due east. On the west by the sea coast. On the south by a north-east line from the sea coast to Mount Hill, and thence due east; and on the east by a north line, in the direction of a spot eight miles west of Tallering Peak

### IRWIN ELECTORAL DISTRICT.

Bounded on the north by a north-east line from the sea coast to Mount Hill, thence east to a spot due south from a point 8 miles west of Tallering Peak, thence due north, thence due east passing through a spot 1½ miles north of Gulleway Spring. On the west by the sea coast, including the islands adjacent. On the south by an east line from the sea coast passing through the summit of Mount Lesueur, and on the east by the eastern boundary of the colony.

### MOORE ELECTORAL DISTRICT.

Bounded on the north by an east line from the sea coast through Mount Lesueur. On the east by a south line through the highest point of the Wongan Hills On the south by a westerly line passing through Bolgart Spring to the 22nd mile post on the road from Newcastle to New Norcia, the 59th mile post on the road from Perth to New Norcia, along the north boundary of Swan Location 479, and through a spot 30 chains north of trigonometrical station G B. to the sea coast; and on the west by the sea coast, including the islands adjacent.

### SWAN ELECTORAL DISTRICT.

Bounded on the north by an easterly line from the sea coast through a spot 30 chains north from trigonometrical station G.B., and along the north boundary of Swan Location 479 to the 59th mile post on the road from Perth to New Norcia On the east by a line in a southerly direction from the 59th mile post aforesaid to the south-west corner of Swan Location 95 at Bailup, thence by a south-easterly line to a spot on the Eastern Railway due north from the north-east corner of Helena Location 22, thence by a south line to the south-east corner of said location, thence in a southerly direction to the summit of Mount Dale On the south by

an east line from the sea coast passing along the north boundary of Perth Location 111, at Nowergup Lake, to a spot due north of the north-east corner of Perthshire Location 104 at Gnangarra Lake, thence due south to said Location's south-east corner, thence by a straight line to the south corner of Swan Location X on the Swan River, thence south-easterly along the north-east boundary of Swan Location 34 to its easternmost corner and thence by a south-easterly line to Mount Dale aforesaid; and on the west by the sea coast, including the islands adjacent.

### PERTH ELECTORAL DISTRICT.

Bounded on the northward by the centre of Wellington Street. On the east by the centre of Lord Street. On the west by the centre of Milligan Street, southward to its junction with St. George's Terrace, thence along the centre of Mount Street to its junction with Spring Street, and thence by the centre of Spring Street; and on the south by Perth Water.

### EAST PERTH ELECTORAL DISTRICT.

Bounded by lines starting from Perth water and extending along the centre of Lord Street to its junction with Wellington Street, then westerly along the centre of Wellington Street to its junction with Beaufort Street, thence northerly along the centre of Beaufort Street to Walcott Street, thence south-easterly along the centre of Walcott Street to Guildford Road, thence south-westerly along centre of Guildford Road to its junction with Summers Street, thence easterly along north side of Summers Street to the Swan River, thence by the centre of said river upwards to the northernmost corner of Swan Location 34, thence south-easterly along the north-east boundary of Swan Location 34 to its easternmost corner, thence by a south-easterly line to Mount Dale, thence by a west-south-westerly line to the south-east corner of Canning Location 32, thence along south boundary of said Location 32 to its south-west corner, thence by a north-westerly line to the south-east corner of Canning Location 26, thence by that location's south and west boundaries to Bull's Creek, thence by Bull's Creek, Canning River, and Melville Water to Point Belcher, and by a straight line from Point Belcher to the centre of the southern end of Lord Street.

### WEST PERTH ELECTORAL DISTRICT.

Bounded on the west by the sea coast. On the north and east by lines extending east from the sea coast, passing along the north boundary of Perthshire Location 111 at Nowergup Lake, to a spot due north of the north-east corner of Perthshire Location 104 at Gnangarra Lake, thence due south to said location's south-east corner, thence by a straight line to the south corner of Swan Location X on the Swan River. On the south by the north and east boundaries of North Fremantle town site, thence by the northern shores of the Swan Estuary upwards to the centre of Spring Street on Perth Water, thence by the centre of Spring Street to its junction with Mount Street, thence by the centre of Mount Street to its junction with St. George's Terrace, thence by the centre of Milligan Street to Wellington Street, thence by the centre of Wellington Street easterly to its junction with Beaufort Street, thence northerly along the centre of Beaufort Street to Walcott Street, thence south-easterly along the centre of Walcott Street to Guildford Road, thence south-westerly along centre of Guildford Road to its junction with Summers Street, thence easterly along north side of Summers Street to the Swan River, thence by the centre of said river upwards to the south corner of Swan Location X aforesaid.

FREMANTLE ELECTORAL DISTRICT.

Bounded on the east by the centre of Market Street from the Swan River to its junction with High Street, thence easterly along the centre of High Street to its junction with Adelaide Street, thence along the centre of Adelaide Street to its junction with Queen Street, thence along the centre of Queen Street to its junction with Henderson Street, thence along the centre of Henderson Street and along the centre of Essex Street, westerly to the sea. And on the south, west, and north by the sea coast and the southern shore of Swan River, including Rottnest, Carnac, Garden, and other islands adjacent.

NORTH FREMANTLE ELECTORAL DISTRICT.

Bounded on the north and east by the north and east boundaries of North Fremantle town site, thence south across Swan River, thence along its southern shore and the southern shore of the Canning River and Bull's Creek to the north-west corner of Canning Location 26, thence due south to the south-west corner of said Location 26. On the west by the sea coast from the north-west corner of North Fremantle town site to Rous Head. On the south by a straight line from Rous Head across Swan River to the north end of the centre of Market Street, thence along the centre of Market Street to its junction with High Street, thence easterly along the centre of High Street to its junction with Adelaide Street, thence along the centre of Adelaide Street to its junction with Queen Street, thence along the centre of Queen Street to its junction with Hill Street, thence along the centre of Hill Street to its junction with Knutsford Street, thence along the centre of Knutsford Street to the east boundary of Fremantle town site, and thence easterly to the south-west corner of Canning Location 26 aforesaid.

SOUTH FREMANTLE ELECTORAL DISTRICT.

Bounded on the north by a line extending from the sea along the centres of Essex Street and Henderson Street to Queen Street, thence along the centre of Queen Street to its junction with Hill Street, thence along the centre of Hill Street to its junction with Knutsford Street, thence along the centre of Knutsford Street to the eastern boundary of Fremantle town-site, thence easterly to the south-west corner of Canning Location 26, and thence easterly to the south-east corner of said Location 26. On the west by the sea coast. On the south by an east line from the sea coast, passing along south boundary of Rockingham town site to a spot due south of the south-east corner of Cockburn Sound Location 350, thence due north to the north-west corner of Cockburn Sound Location 16, thence due east along the north boundary of aforesaid Location 16 to its north-east corner, and thence easterly to the south-west corner of Canning Location 32. On the east by a south-easterly line from the south-east corner of Canning Location 26 to the south-west corner of Canning Location 32.

MURRAY ELECTORAL DISTRICT.

Bounded on the west by the sea coast, including the islands adjacent. On the north by an east line from the sea coast, passing along the south boundary of Rockingham town site, to a spot due south of the south-east corner of Cockburn Sound Location 350, thence due north to the north-west corner of Cockburn Sound Location 16, thence due east along the north boundary of aforesaid Location 16 to its north-east corner, thence easterly to the south-west corner of Canning Location 32, thence east along south boundary of said Location 32, to its south-east corner and thence east-north-easterly to Mount Dale. On the eastward by a south-easterly line from Mount Dale to a spot 20 miles due east from the 41-mile mark

on the Perth-Albany Road aforesaid, thence west to the said mile mark, and from thence by a line extending in a southerly direction to the junction of the Hotham and Williams Rivers, and on the south by an east line from the sea coast passing through the summit of Mount William to the Murray River, and by that river upwards to the junction of the Hotham and Williams Rivers aforesaid.

WELLINGTON ELECTORAL DISTRICT.

Bounded on the west by the sea coast. On the north by an east line from the said coast passing through the summit of Mount William to the Murray River, then by that river upwards to the junction of the Hotham and Williams Rivers. On the eastward by a south-south-easterly line from the junction of the Hotham and Williams Rivers aforesaid to the junction of the Blackwood and Balgarup Rivers. On the south by a west-north-westerly line along the old road from Kojonup to Bunbury, known as the "old post road," to a spot on said road due north for the north-east corner of Wellington Location 40, thence due south, passing along the east boundary of Wellington Location 40 aforesaid to the Preston River, thence by the said Preston River downwards to its entrance into Leschenault inlet and by said inlet to the sea.

BUNBURY ELECTORAL DISTRICT.

Bounded on the west by the sea coast. On the south by an east line from the sea coast to the Capel River, passing along the south boundary of Sussex Location 82, then by said river upwards to Wellington Location 171 inclusive, then due east from the south-west corner of Wellington Location 171 aforesaid to a point due south from the south-east corner of Wellington Location 40. On the east by a due north line to the Preston River; and on the north by the said Preston River downwards to its entrance into Leeshenault inlet, and by said inlet to the sea.

NELSON ELECTORAL DISTRICT.

Bounded on the northward and eastward by lines extending due east from the south-west corner of Wellington Location 171 to a spot due south from the south-east corner of Wellington Location 40, thence north passing along the eastern boundary of said Location 40 to the old road from Bunbury to Kojonup, known as the "old post road," and thence by the said road to the junction of the Balgarup and Blackwood Rivers, thence by a straight line from the said junction to a spot 16 miles west of the 175 mile mark on the Perth-Albany Road. On the westward by a south-easterly line from the south-west corner of Wellington Location 171 aforesaid to the junction of Padbury's Brook with the Blackwood River, and from thence to the south-west corner of Nelson Location 31 at Manjimup, thence in a southerly direction to a spot known as Bullamurrup, thence by the Bullamurrup Creek downwards to its junction with the Warren River. On the southward by said Warren River upwards to its junction with the Wilgarup River, thence by an easterly line to the south-west corner of Nelson Location 6 at Topanup, thence easterly by the road to Albany, to Muir's Bridge at the Frankland River, thence in a northerly direction up the Frankland River, to "Upper Yeriminup Pool," thence northerly to a spot 16 miles west of the 175 mile mark on the Perth-Albany Road aforesaid.

SUSSEX ELECTORAL DISTRICT.

Bounded on the northward by the shore of Geographe Bay, and by an east line from the shore of the said bay to the Capel River, passing along the south boundary of Sussex Location 82, then by the river aforesaid upwards to Wellington Location 171, excluding such location. On the

eastward by a south-easterly line from the south-west corner of Wellington Location 171 aforesaid to the junction of Padbury Brook with the Blackwood River, from thence to the south-west corner of Nelson Location 31 at Manjimup, thence in a southerly direction to a spot known as Bullamurrup, thence by the Bullamurrup Creek downwards to its junction with the Warren River, thence by said river upwards to its junction with the Wilgarup River. On the south-east by a north-north-easterly line extending from the extreme end of D'Entrecasteaux Point to the junction of the Wilgarup River with the Warren River aforesaid; and on the southward and westward by the sea coast, including the islands adjacent.

### Toodyay Electoral District.

Bounded on the north by an east line produced east through Mount Lesueur. On the west by a south line through the highest summit in the Wongan Hills, thence westerly through Bolgart Spring, and the 22nd mile post from Newcastle towards New Norcia to the 59th mile post on the road from Perth to New Norcia, thence by a line in a southerly direction from the 59th mile post aforesaid to the south-west corner of Swan Location 95 at Bailup, thence by a south-easterly line to a spot on the Eastern Railway due north from the north-east corner of Helena Location 22 On the south by the Eastern Railway to the Clackline, thence northwards along the branch railway to Newcastle to a spot west-south-westerly from the north-west corner of Avon Location X, thence east-north-easterly along northern boundary of Location X to the east side of the Avon River, thence down said river to the north boundary of Avon Location U, thence east-north-easterly along north boundary of Location U aforesaid and on to south-west corner of Avon Location 895, thence east-north-easterly to the south-east corner of Avon Location 296, thence north-north-westerly to north-west corner of Avon Location W, thence east-north-easterly to north-east corner of Location W aforesaid, and thence due east; and on the east by the 125th meridian of east longitude.

### Northam Electoral District.

Bounded by lines starting from the Eastern Railway and extending south five miles towards the north-east corner of Helena Location 22, thence east-north-easterly to the north-west corner of Avon Location f, thence east-north-easterly along north boundaries of Avon locations f and J to the north-east corner of Location J, and thence due east. On the north by the Eastern Railway to the Clackline, thence northwards along the branch railway to Newcastle to a spot west-south-westerly from the north-west corner of Avon Location X, thence east-north-easterly along northern boundary of Location X to the east side of the Avon River, thence down said river to the north boundary of Avon Location U, thence east-north-easterly along north boundary of Location U, aforesaid, and on to the south-west corner of Avon Location 895, thence east-north-easterly to the south-east corner of Avon Location 296, thence north-north-westerly to north-west corner of Avon Location W, thence east-north-easterly to north-east corner of location W aforesaid, and thence due east. On the east by the meridian of longitude 125° east.

### York Electoral District.

Bounded on the north by an east-north-easterly line, starting from a spot 5 miles south from the Eastern Railway towards the north-east corner of Helena Location 22, and extending to the north-west corner of Avon Location f, thence east-north-easterly along the north boundaries of Avon Locations f and J to the north-east corner of location J, and thence due east. On the west by a south line to the south-east corner of Helena

Location 22, and thence in a southerly direction to the summit of Mount Dale. On the south by an easterly line from Mount Dale to the south-west corner of Avon Location 30, thence east-north-easterly along south boundaries of Avon locations 30 and O to the Avon River, thence downwards along east side of said river to the north boundary of Avon Location H 2, thence east-north-easterly to the north-east corner of said Location H 2, thence to Mount Stirling and thence due east; on the east by longitude 125° east.

### BEVERLEY ELECTORAL DISTRICT.

Bounded on the west by a south-easterly line from Mount Dale to a spot 20 miles due east from the 41-mile mark on the Perth-Albany Road, then in about the same direction to the Hotham River at Reserve 225 A at Cojatotine Pool. On the southward from the south end of the western boundary extending in a north-easterly direction along the Hotham River upwards to Millingnalling Pool and thence due east. On the north by an easterly line from Mount Dale to the south-west corner of Avon Location 30, thence east-north-easterly along south boundaries of Avon locations 30 and O, to the Avon River, thence downwards along east side of said river to the north boundary of Avon Location H 2, thence east-north-easterly to the North-east corner of said Location H 2, thence to Mount Stirling, and hence due east; and on the east by the meridian of longitude 123° east.

### WILLIAMS ELECTORAL DISTRICT.

Bounded on the north by a due east line of 20 miles from the 41-mile mark on the Perth-Albany Road, thence south-easterly to the Hotham River at Reserve 225 A at Cojatotine Pool, thence by the river aforesaid upwards to Millingnalling Pool, and thence due east. On the west by a line extending in a southerly direction from the aforesaid 41-mile mark to the junction of the Hotham and Williams Rivers thence south-south-easterly to the junction of the Balgarup and Blackwood Rivers. On the south by a due east line, and on the east by the meridian of 120° east longitude.

### PLANTAGENET ELECTORAL DISTRICT.

Bounded on the north by an east line from the junction of the Balgarup and Blackwood Rivers to longitude 120° east, thence due north to a point due east of Millingnalling Pool, thence due east to longitude 123° east, thence due north to a point due east of Mount Stirling, and thence due east to longitude 125° east, thence due north to a point due east from Mount Lesueur, and thence due east. On the west by a north-north-easterly line extending from the extreme end of D'Entrecasteaux Point to the junction of the Wilgarup River with the Warren River, thence by an easterly line to the south-west corner of Nelson Location 6 at Topanup, thence easterly by the road to Albany to Muir's Bridge at the Frankland River, thence in a northerly direction up the Frankland River to Upper Yerriminup Pool, thence northerly to a spot 16 miles west of the 175-mile mark on the Perth-Albany Road, and thence north-north-westerly to the junction of the Blackwood and Balgarup Rivers. And on the south by the sea coast, excluding all that portion of land comprised within the municipality of Albany; and on the east by the eastern boundary of the colony.

### ALBANY ELECTORAL DISTRICT.

All that portion of land comprised within the municipality of Albany.

## SCHEDULE B.

| | £ | s. | d. |
|---|---|---|---|
| Governor - - - - - | 4,000 | 0 | 0 |
| Private secretary - - - - | 300 | 0 | 0 |
| Clerk of the Executive Council - - | 250 | 0 | 0 |
| Chief justice - - - - | 1,200 | 0 | 0 |
| Puisne judge - - - - | 900 | 0 | 0 |
| Five ministerial salaries - - - | 3,200 | 0 | 0 |
| | £9,850 | 0 | 0 |

## SCHEDULE C.

| | £ | s. | d. |
|---|---|---|---|
| For promoting the welfare of aboriginal natives - - - - - | 5,000 | 0 | 0 |

Note the provision in section 70 when the revenue exceeds 500,000*l*.

## SCHEDULE D.

| | £ | s. | d. |
|---|---|---|---|
| Sir Malcolm Fraser, K.C.M.G., Colonial Secretary | 700 | 0 | 0 |
| Charles Nicholas Warton, Esq, Attorney-General | 333 | 6 | 8 |
| Anthony O'Grady Lefroy, C.M.G., Colonial Treasurer - - - - - | 550 | 0 | 0 |
| John Forrest, C.M.G., Surveyor-General and Commissioner of Crown Lands - - | 500 | 0 | 0 |
| | £2,083 | 6 | 8 |

## SECOND SCHEDULE.

| Session and Chapter. | Title or Short Title. |
|---|---|
| 5 & 6 Vict. c. 76 - | An Act for the better government of New South Wales and Van Dieman's Land. |
| 7 & 8 Vict. c. 74 - | An Act to explain and amend the Act for the government of New South Wales and Van Dieman's Land. |
| 13 & 14 Vict. c. 59 - | An Act for the better government of Her Majesty's Australian Colonies. |

# CHAPTER 27.

An Act to amend the Law respecting the exercise of Admiralty Jurisdiction in Her Majesty's Dominions and elsewhere out of the United Kingdom.

[25th July 1890.]

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Short title.

**1.** This Act may be cited as the Colonial Courts of Admiralty Act, 1890.

Colonial Courts of Admiralty.

**2.**—(1.) Every court of law in a British possession, which is for the time being declared in pursuance of this Act to be a court of Admiralty, or which, if no such declaration is in force in the possession, has therein original unlimited civil jurisdiction, shall be a court of Admiralty, with the jurisdiction in this Act mentioned, and may for the purpose of that jurisdiction exercise all the powers which it possesses for the purpose of its other civil jurisdiction, and such court in reference to the jurisdiction conferred by this Act is in this Act referred to as a Colonial Court of Admiralty. Where in a British possession the Governor is the sole judicial authority, the expression "court of law" for the purposes of this section includes such Governor.

(2.) The jurisdiction of a Colonial Court of Admiralty shall, subject to the provisions of this Act, be over the like places, persons, matters, and things, as the Admiralty jurisdiction of the High Court in England, whether existing by virtue of any statute or otherwise, and the Colonial Court of Admiralty may exercise such jurisdiction in like manner and to as full an extent as the High Court in England, and shall have the same regard as that Court to international law and the comity of nations.

(3.) Subject to the provisions of this Act any enactment referring to a Vice-Admiralty Court, which is contained in an Act of the Imperial Parliament or in a Colonial law, shall apply to a Colonial Court of Admiralty, and be read as if the expression "Colonial Court of Admiralty" were therein substituted for "Vice-Admiralty Court" or for other expressions respectively referring to such Vice-Admiralty Courts or the judge thereof, and the Colonial Court of Admiralty shall have jurisdiction accordingly.

Provided as follows:

(*a.*) Any enactment in an Act of the Imperial Parliament referring to the Admiralty jurisdiction of the High Court in England, when applied to a Colonial Court of Admiralty in a British possession, shall be read as if the name of that possession were therein substituted for England and Wales; and

27 & 28 Vict. c. 25. 36 & 37 Vict. c. 88.

(*b.*) A Colonial Court of Admiralty shall have under the Naval Prize Act, 1864, and under the Slave Trade Act, 1873, and any enactment relating to prize or the slave trade, the jurisdiction

thereby conferred on a Vice-Admiralty Court and not the jurisdiction thereby conferred exclusively on the High Court of Admiralty or the High Court of Justice; but, unless for the time being duly authorised, shall not by virtue of this Act exercise any jurisdiction under the Naval Prize Act, 1864, or otherwise in relation to prize, and

(*c.*) A Colonial Court of Admiralty shall not have jurisdiction under this Act to try or punish a person for an offence which according to the law of England is punishable on indictment, and

(*d.*) A Colonial Court of Admiralty shall not have any greater jurisdiction in relation to the laws and regulations relating to Her Majesty's Navy at sea, or under any Act providing for the discipline of Her Majesty's Navy, than may be from time to time conferred on such court by Order in Council.

(4.) Where a Court in a British possession exercises in respect of matters arising outside the body of a county or other like part of a British possession any jurisdiction exerciseable under this Act, that jurisdiction shall be deemed to be exercised under this Act and not otherwise

**Power of Colonial legislature as to Admiralty jurisdiction**

**3.** The legislature of a British possession may by any Colonial law

(*a.*) declare any court of unlimited civil jurisdiction, whether original or appellate, in that possession to be a Colonial Court of Admiralty, and provide for the exercise by such court of its jurisdiction under this Act, and limit territorially, or otherwise, the extent of such jurisdiction, and

(*b.*) confer upon any inferior or subordinate court in that possession such partial or limited Admiralty jurisdiction under such regulations and with such appeal (if any) as may seem fit:

Provided that any such Colonial law shall not confer any jurisdiction which is not by this Act conferred upon a Colonial Court of Admiralty.

**Reservation of Colonial law for Her Majesty's assent**

**4.** Every Colonial law which is made in pursuance of this Act, or affects the jurisdiction of or practice or procedure in any court of such possession in respect of the jurisdiction conferred by this Act, or alters any such Colonial law as above in this section mentioned, which has been previously passed, shall, unless previously approved by Her Majesty through a Secretary of State, either be reserved for the signification of Her Majesty's pleasure thereon, or contain a suspending clause providing that such law shall not come into operation until Her Majesty's pleasure thereon has been publicly signified in the British possession in which it has been passed.

**Local Admiralty appeal.**

**5.** Subject to rules of court under this Act, judgments of a court in a British possession given or made in the exercise of the jurisdiction conferred on it by this Act, shall be subject to the like local appeal, if any, as judgments of the court in the exercise of its ordinary civil jurisdiction, and the court having cognizance of such

appeal shall for the purpose thereof possess all the jurisdiction by this Act conferred upon a Colonial Court of Admiralty.

Admiralty appeal to the Queen in Council.

**6.**—(1.) The appeal from a judgment of any court in a British possession in the exercise of the jurisdiction conferred by this Act, either where there is as of right no local appeal or after a decision on local appeal, lies to Her Majesty the Queen in Council.

(2.) Save as may be otherwise specially allowed in a particular case by Her Majesty the Queen in Council, an appeal under this section shall not be allowed—

(*a*) from any judgment not having the effect of a definitive judgment unless the court appealed from has given leave for such appeal, nor

(*b*) from any judgment unless the petition of appeal has been lodged within the time prescribed by rules, or if no time is prescribed within six months from the date of the judgment appealed against, or if leave to appeal has been given then from the date of such leave.

(3.) For the purpose of appeals under this Act, Her Majesty the Queen in Council and the Judicial Committee of the Privy Council shall, subject to rules under this section, have all such powers for making and enforcing judgments, whether interlocutory or final, for punishing contempts, for requiring the payment of money into court, or for any other purpose, as may be necessary, or as were possessed by the High Court of Delegates before the passing of the Act transferring the powers of such court to Her Majesty in Council, or as are for the time being possessed by the High Court in England or by the court appealed from in relation to the like matters as those forming the subject of appeals under this Act.

(4.) All Orders of the Queen in Council or the Judicial Committee of the Privy Council for the purposes aforesaid or otherwise in relation to appeals under this Act shall have full effect throughout Her Majesty's dominions, and in all places where Her Majesty has jurisdiction.

(5.) This section shall be in addition to and not in derogation of the authority of Her Majesty in Council or the Judicial Committee of the Privy Council arising otherwise than under this Act, and all enactments relating to appeals to Her Majesty in Council or to the powers of Her Majesty in Council or the Judicial Committee of the Privy Council in relation to those appeals, whether for making rules and orders or otherwise, shall extend, save as otherwise directed by Her Majesty in Council, to appeals to Her Majesty in Council under this Act.

Rules of court

**7.**—(1.) Rules of court for regulating the procedure and practice (including fees and costs) in a court in a British possession in the exercise of the jurisdiction conferred by this Act, whether original or appellate, may be made by the same authority and in the same manner as rules touching the practice, procedure, fees, and costs in the said court in the exercise of its ordinary civil jurisdiction respectively are made:

Provided that the rules under this section shall not, save as provided by this Act, extend to matters relating to the slave trade,

and shall not (save as provided by this section) come into operation until they have been approved by Her Majesty in Council, but on coming into operation shall have full effect as if enacted in this Act, and any enactment inconsistent therewith shall, so far as it is so inconsistent, be repealed.

(2.) It shall be lawful for Her Majesty in Council, in approving rules made under this section, to declare that the rules so made with respect to any matters which appear to Her Majesty to be matters of detail or of local concern may be revoked, varied, or added to without the approval required by this section.

(3.) Such rules may provide for the exercise of any jurisdiction conferred by this Act by the full court, or by any judge or judges thereof, and subject to any rules, where the ordinary civil jurisdiction of the court can in any case be exercised by a single judge, any jurisdiction conferred by this Act may in the like case be exercised by a single judge.

Droits of Admiralty and of the Crown.

**8.**—(1.) Subject to the provisions of this section nothing in this Act shall alter the application of any droits of Admiralty or droits of or forfeitures to the Crown in a British possession; and such droits and forfeitures, when condemned by a court of a British possession in the exercise of the jurisdiction conferred by this Act, shall, save as is otherwise provided by any other Act, be notified, accounted for, and dealt with in such manner as the Treasury from time to time direct, and the officers of every Colonial Court of Admiralty and of every other court in a British possession exercising Admiralty jurisdiction shall obey such directions in respect of the said droits and forfeitures as may be from time to time given by the Treasury.

(2.) It shall be lawful for Her Majesty the Queen in Council by Order to direct that, subject to any conditions, exceptions, reservations, and regulations contained in the Order, the said droits and forfeitures condemned by a court in a British possession shall form part of the revenues of that possession either for ever or for such limited term or subject to such revocation as may be specified in the Order.

(3.) If and so long as any of such droits or forfeitures by virtue of this or any other Act form part of the revenues of the said possession the same shall, subject to the provisions of any law for the time being applicable thereto, be notified, accounted for, and dealt with in manner directed by the Government of the possession, and the Treasury shall not have any power in relation thereto.

Power to establish Vi Admiralty Court.

**9.**—(1.) It shall be lawful for Her Majesty, by commission under the Great Seal, to empower the Admiralty to establish in a British possession any Vice-Admiralty Court or Courts.

(2.) Upon the establishment of a Vice-Admiralty Court in a British possession, the Admiralty, by writing under their hands and the seal of the office of Admiralty, in such form as the Admiralty direct, may appoint a judge, registrar, marshal, and other officers of the court, and may cancel any such appointment; and in addition to any other jurisdiction of such court, may (subject to the limits

imposed by this Act or the said commission from Her Majesty) vest in such court the whole or any part of the jurisdiction by or by virtue of this Act conferred upon any courts of that British possession, and may vary or revoke such vesting, and while such vesting is in force the power of such last-mentioned courts to exercise the jurisdiction so vested shall be suspended.

Provided that—

(*a*) nothing in this section shall authorise a Vice-Admiralty Court so established in India or in any British possession having a representative legislature, to exercise any jurisdiction, except for some purpose relating to prize, to Her Majesty's Navy, to the slave trade, to the matters dealt with by the Foreign Enlistment Act, 1870, or the Pacific Islanders Protection Acts, 1872 and 1875, or to matters in which questions arise relating to treaties or conventions with foreign countries, or to international law; and

33 & 34 Vict. c. 90. 35 & 36 Vict. c 19. 38 & 39 Vict. c 51.

(*b*) in the event of a vacancy in the office of judge, registrar, marshal, or other officer of any Vice-Admiralty Court in a British possession, the Governor of that possession may appoint a fit person to fill the vacancy until an appointment to the office is made by the Admiralty.

(3.) The provisions of this Act with respect to appeals to Her Majesty in Council from courts in British possessions in the exercise of the jurisdiction conferred by this Act shall apply to appeals from Vice-Admiralty Courts, but the rules and orders made in relation to appeals from Vice-Admiralty Courts may differ from the rules made in relation to appeals from the said courts in British possessions.

(4.) If Her Majesty at any time by commission under the Great Seal so directs, the Admiralty shall by writing under their hands and the seal of the office of Admiralty abolish a Vice-Admiralty Court established in any British possession under this section, and upon such abolition the jurisdiction of any Colonial Court of Admiralty in that possession which was previously suspended shall be revived.

Power to appoint a vice-admiral

**10.** Nothing in this Act shall affect any power of appointing a vice-admiral in and for any British possession or any place therein; and whenever there is not a formally appointed vice-admiral in a British possession or any place therein, the Governor of the possession shall be *ex-officio* vice-admiral thereof.

Exception of Channel Islands and other possessions

**11.**—(1.) The provisions of this Act with respect to Colonial Courts of Admiralty shall not apply to the Channel Islands.

(2.) It shall be lawful for the Queen in Council by Order to declare, with respect to any British possession which has not a representative legislature, that the jurisdiction conferred by this Act on Colonial Courts of Admiralty shall not be vested in any court of such possession, or shall be vested only to the partial or limited extent specified in the Order.

Application of Act to courts under Foreign Jurisdiction Acts

**12.** It shall be lawful for Her Majesty the Queen in Council by Order to direct that this Act shall, subject to the conditions, exceptions, and qualifications (if any) contained in the Order, apply

to any Court established by Her Majesty for the exercise of jurisdiction in any place out of Her Majesty's dominions which is named in the Order as if that Court were a Colonial Court of Admiralty, and to provide for carrying into effect such application.

**13.**—(1.) It shall be lawful for Her Majesty the Queen in Council by Order to make rules as to the practice and procedure (including fees and costs) to be observed in and the returns to be made from Colonial Courts of Admiralty and Vice-Admiralty Courts in the exercise of their jurisdiction in matters relating to the slave trade, and in and from East African Courts as defined by the Slave Trade (East African Courts) Acts, 1873 and 1879. Rules for procedure in slave trade matters. 36 & 37 Vict. c. 59. 42 & 43 Vict. c. 38.

(2.) Except when inconsistent with such Order in Council, the rules of court for the time being in force in a Colonial Court of Admiralty or Vice-Admiralty Court shall, so far as applicable, extend to proceedings in such court in matters relating to the slave trade.

(3.) The provisions of this Act with respect to appeals to Her Majesty in Council, from courts in British possessions in the exercise of the jurisdiction conferred by this Act, shall apply, with the necessary modifications, to appeals from judgments of any East African court made or purporting to be made in exercise of the jurisdiction under the Slave Trade (East African Courts) Acts, 1873 and 1879.

**14.** It shall be lawful for Her Majesty in Council from time to time to make Orders for the purposes authorised by this Act, and to revoke and vary such Orders, and every such Order while in operation shall have effect as if it were part of this Act. Orders in Council.

**15.** In the construction of this Act, unless the context otherwise requires,— Interpretation.

The expression "representative legislature" means, in relation to a British possession, a legislature comprising a legislative body of which at least one half are elected by inhabitants of the British possession.

The expression "unlimited civil jurisdiction" means civil jurisdiction unlimited as to the value of the subject-matter at issue, or as to the amount that may be claimed or recovered.

The expression "judgment" includes a decree, order, and sentence.

The expression "appeal" means any appeal, rehearing, or review; and the expression "local appeal" means an appeal to any court inferior to Her Majesty in Council.

The expression "Colonial law" means any Act, ordinance, or other law having the force of legislative enactment in a British possession and made by any authority, other than the Imperial Parliament or Her Majesty in Council, competent to make laws for such possession.

**16.**—(1.) This Act shall, save as otherwise in this Act provided, come into force in every British possession on the first day of July one thousand eight hundred and ninety-one. Commencement of Act.

Provided that—

(*a.*) This Act shall not come into force in any of the British possessions named in the First Schedule to this Act until Her Majesty so directs by Order in Council, and until the day named in that behalf in such Order; and

(*b.*) If before any day above mentioned rules of court for the Colonial Court of Admiralty in any British possession have been approved by Her Majesty in Council, this Act may be proclaimed in that possession by the Governor thereof, and on such proclamation shall come into force on the day named in the proclamation.

(2.) The day upon which this Act comes into force in any British possession shall, as regards that British possession, be deemed to be the commencement of this Act.

(3.) If, on the commencement of this Act in any British possession, rules of court have not been approved by Her Majesty in pursuance of this Act, the rules in force at such commencement under the Vice-Admiralty Courts Act, 1863, and in India the rules in force at such commencement regulating the respective Vice-Admiralty Courts or Courts of Admiralty in India, including any rules made with reference to proceedings instituted on behalf of Her Majesty's ships, shall, so far as applicable, have effect in the Colonial Court or Courts of Admiralty of such possession, and in any Vice-Admiralty Court established under this Act in that possession, as rules of court under this Act, and may be revoked and varied accordingly; and all fees payable under such rules may be taken in such manner as the Colonial Court may direct, so however that the amount of each such fee shall so nearly as practicable be paid to the same officer or person who but for the passing of this Act would have been entitled to receive the same in respect of like business. So far as any such rules are inapplicable or do not extend, the rules of court for the exercise by a court of its ordinary civil jurisdiction shall have effect as rules for the exercise by the same court of the jurisdiction conferred by this Act.

26 & 27 Vict. c. 24.

(4.) At any time after the passing of this Act any Colonial law may be passed, and any Vice-Admiralty Court may be established and jurisdiction vested in such Court, but any such law, establishment, or vesting shall not come into effect until the commencement of this Act.

Abolition of Vice-Admiralty Courts

**17.** On the commencement of this Act in any British possession, but subject to the provisions of this Act, every Vice-Admiralty Court in that possession shall be abolished; subject as follows,—

(1.) All judgments of such Vice-Admiralty Court shall be executed and may be appealed from in like manner as if this Act had not passed, and all appeals from any Vice-Admiralty Court pending at the commencement of this Act shall be heard and determined, and the judgment thereon executed as nearly as may be in like manner as if this Act had not passed:

(2.) All proceedings pending in the Vice-Admiralty Court in any British possession at the commencement of this Act shall, notwithstanding the repeal of any enactment by this Act, be continued in a Colonial Court of Admiralty of the possession

in manner directed by rules of court, and, so far as no such rule extends, in like manner, as nearly as may be, as if they had been originally begun in such court:

(3.) Where any person holding an office, whether that of judge, registrar, or marshal, or any other office in any such Vice-Admiralty Court in a British possession, suffers any pecuniary loss in consequence of the abolition of such court, the Government of the British possession, on complaint of such person, shall provide that such person shall receive reasonable compensation (by way of an increase of salary or a capital sum, or otherwise) in respect of his loss, subject nevertheless to the performance, if required by the said Government, of the like duties as before such abolition:

(4.) All books, papers, documents, office furniture, and other things at the commencement of this Act belonging, or appertaining to any Vice-Admiralty Court, shall be delivered over to the proper officer of the Colonial Court of Admiralty or be otherwise dealt with in such manner as, subject to any directions from Her Majesty, the Governor may direct:

(5.) Where, at the commencement of this Act in a British possession, any person holds a commission to act as advocate in any Vice-Admiralty Court abolished by this Act, either for Her Majesty or for the Admiralty, such commission shall be of the same avail in every court of the same British possession exercising jurisdiction under this Act, as if such court were the court mentioned or referred to in such commission.

**18.** The Acts specified in the Second Schedule to this Act shall, to the extent mentioned in the third column of that schedule, be repealed as respects any British possession as from the commencement of this Act in that possession, and as respects any courts out of Her Majesty's dominions as from the date of any Order applying this Act: Repeal.

Provided that—

(*a.*) Any appeal against a judgment made before the commencement of this Act may be brought and any such appeal and any proceedings or appeals pending at the commencement of this Act may be carried on and completed and carried into effect as if such repeal had not been enacted; and

(*b.*) All enactments and rules at the passing of this Act in force touching the practice, procedure, fees, costs, and returns in matters relating to the slave trade in Vice-Admiralty courts and in East African courts shall have effect as rules made in pursuance of this Act, and shall apply to Colonial Courts of Admiralty, and may be altered and revoked accordingly.

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# SCHEDULES.

## FIRST SCHEDULE.

Section 16. BRITISH POSSESSIONS IN WHICH OPERATION OF ACT IS DELAYED.

New South Wales.
Victoria.
St. Helena.
British Honduras.

## SECOND SCHEDULE.

Section 18. ENACTMENTS REPEALED.

| Session and Chapter. | Title of Act. | Extent of Repeal. |
|---|---|---|
| 56 Geo. 3. c. 82. | An Act to render valid the judicial Acts of Surrogates of Vice-Admiralty Courts abroad, during vacancies in office of Judges of such courts. | The whole Act. |
| 2 & 3 Will. 4. c. 51. | An Act to regulate the practice and the fees in the Vice-Admiralty Courts abroad, and to obviate doubts as to their jurisdiction. | The whole Act. |
| 3 & 4 Will. 4. c. 41. | An Act for the better administration of justice in His Majesty's Privy Council. | Section two. |
| 6 & 7 Vict. c. 38. | An Act to make further regulations for facilitating the hearing appeals and other matters by the Judicial Committee of the Privy Council. | In section two, the words "or from any Admiralty or Vice-Admiralty Court," and the words "or the Lords Commissioners of Appeals in prize causes or their surrogates."<br>In section three, the words "and the High Court of Admiralty of England," and the words "and from any Admiralty or Vice-Admiralty Court."<br>In section five, from the first "the High Court of Admiralty" to the end of the section.<br>In section seven, the words "and from Admiralty or Vice-Admiralty Courts."<br>Sections nine and ten, so far as relates to maritime causes. |

| Session and Chapter. | Title of Act. | Extent of Repeal. |
|---|---|---|
| 6 & 7 Vict. c. 38.—*cont.* | | In section twelve, the words "or maritime." In section fifteen the words "and Admiralty and Vice-Admiralty." |
| 7 & 8 Vict. c. 69. - | An Act for amending an Act passed in the fourth year of the reign of His late Majesty, intituled, "An Act for the better administration of justice in His Majesty's Privy Council," and to extend its jurisdiction and powers. | In section twelve, the words "and from Admiralty and Vice-Admiralty Courts," and so much of the rest of the section as relates to maritime causes. |
| 26 Vict. c. 24. - | The Vice-Admiralty Courts Act, 1863. | The whole Act. |
| 30 & 31 Vict. c. 45. | The Vice-Admiralty Courts Act Amendment Act, 1867. | The whole Act. |
| 36 & 37 Vict. c. 59. | The Slave Trade (East African Courts) Act, 1873. | Sections four and five. |
| 36 & 37 Vict. c. 88. | The Slave Trade Act, 1873 - | Section twenty as far as relates to the taxation of any costs, charges, and expenses which can be taxed in pursuance of this Act. In section twenty-three the words "under the Vice-Admiralty Courts Act, 1863." |
| 38 & 39 Vict. c. 51. | The Pacific Islanders Protection Act, 1875. | So much of section six as authorises Her Majesty to confer Admiralty jurisdiction on any court. |

# CHAPTER 28.

An Act to apply the sum of eleven million eight hundred and fifty thousand four hundred and thirty-six pounds out of the Consolidated Fund to the service of the year ending on the thirty-first day of March one thousand eight hundred and ninety-one. [25th July 1890.]

Most Gracious Sovereign,

WE, Your Majesty's most dutiful and loyal subjects, the Commons of the United Kingdom of Great Britain and Ireland, in Parliament assembled, towards making good the supply

which we have cheerfully granted to Your Majesty in this session of Parliament, have resolved to grant unto Your Majesty the sum herein-after mentioned; and do therefore most humbly beseech Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Issue of 11,850,436*l.* out of the Consolidated Fund for the service of the year ending 31st March 1891.

**1.** The Commissioners of Her Majesty's Treasury for the time being may issue out of the Consolidated Fund of the United Kingdom of Great Britain and Ireland, and apply towards making good the supply granted to Her Majesty for the service of the year ending on the thirty-first day of March one thousand eight hundred and ninety-one the sum of eleven million eight hundred and fifty thousand four hundred and thirty-six pounds.

Power to the Treasury to borrow.

**2.** The Commissioners of the Treasury may borrow from time to time on the credit of the said sum any sum or sums not exceeding in the whole the sum of eleven million eight hundred and fifty thousand four hundred and thirty-six pounds and shall repay the moneys so borrowed with interest not exceeding five pounds per centum per annum out of the growing produce of the Consolidated Fund at any period not later than the next succeeding quarter to that in which the said moneys were borrowed.

Any sums so borrowed shall be placed to the credit of the account of Her Majesty's Exchequer, and shall form part of the said Consolidated Fund, and be available in any manner in which such fund is available.

Short title

**3.** This Act may be cited as the Consolidated Fund (No. 2) Act, 1890.

## CHAPTER 29.

An Act to amend the Law by making better provision for the Widows of certain Intestates in the distribution of such Intestates' Property. [25th July 1890.]

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Intestate's estate not exceeding 500*l.* to belong to widow where no issue

**1.** The real and personal estates of every man who shall die intestate after the first day of September one thousand eight hundred and ninety leaving a widow but no issue shall, in all cases where the net value of such real and personal estates shall not exceed five hundred pounds, belong to his widow absolutely and exclusively.

Intestate's estate exceeding 500*l*,

**2.** Where the net value of the real and personal estates in the preceding section mentioned shall exceed the sum of five hundred

pounds the widow of such intestate shall be entitled to five hundred pounds part thereof absolutely and exclusively, and shall have a charge upon the whole of such real and personal estates for such five hundred pounds, with interest thereon from the date of the death of the intestate at four per cent. per annum until payment. **Widow to have a charge for 500*l*.**

**3.** As between the real and personal representatives of such intestate, such charge shall be borne and paid in proportion to the values of the real and personal estates respectively. **How charge to be borne as between realty and personalty.**

**4.** The provision for the widow intended to be made by this Act shall be in addition and without prejudice to her interest and share in the residue of the real and personal estates of such intestate remaining after payment of the sum of five hundred pounds, in the same way as if such residue had been the whole of such intestate's real and personal estates and this Act had not been passed. **Above provision to be in addition to share of residue.**

**5.** The net value of such real estates as aforesaid shall for the purposes of this Act be estimated in the case of a fee simple upon the basis of twenty years purchase of the annual value by the year at the date of the death of the intestate as determined by law for the purposes of property tax, less the gross amount of any mortgage or other principal sum charged thereon, and less the value of any annuity or other periodical payment chargeable thereon, to be valued according to the tables and rules in the Schedule annexed to the Statute sixteenth and seventeenth Victoria, chapter fifty-one, and in the case of an estate for a life or lives according to the said tables and rules. **How realty to be valued.** [Succession Duties Act, 1853.]

**6.** The net value of such personal estate as aforesaid shall be ascertained by deducting from the gross value thereof all debts, funeral and testamentary expenses of the intestate, and all other lawful liabilities and charges to which the said personal estate shall be subject. **How personalty to be valued.**

**7.** This Act may be cited as the Intestates' Estates Act, 1890. **Short title.**

**8.** This Act shall not extend to Scotland. **Extent of Act.**

# CHAPTER 30.

## An Act to amend the Poor Laws of Ireland in relation to Rating. [4th August 1890.]

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

**1.** This Act shall be cited as the Poor Law Acts (Ireland) Amendment Act, 1890. **Short title.**

**2.**—(1.) When after the passing of this Act any poor rate has been made for a particular period, and the owner or occupier of any rateable property, who is rated in respect thereof to such poor rate, ceases to be the owner or occupier of such property before the **Liability of ratepayer.**

end of such period, and has not paid the poor rate, it shall be lawful for the board of guardians of the poor law union in which the property is situated to determine that such owner or occupier shall be liable to a portion only of the poor rate payable for the whole of such period proportionate to the portion of such period during which he remained owner or occupier, and thereupon he shall, notwithstanding anything in any of the Acts now in force for the relief of the destitute poor in Ireland, be liable to pay such portion only: Provided, however, that the amount of such portion shall not be leviable by distress and sale of any goods or chattels other than those of the person who has ceased to be such owner or occupier as aforesaid.

(2.) In any such case, if any other person, before the end of the period for which the poor rate was made, becomes the owner or occupier of the property, such person shall pay a portion of the poor rate payable for the whole of such period proportionate to the portion of such period between his becoming such owner or occupier and the end of such period, and the same shall be recovered from him in the same manner as if he had been originally rated for such property.

(3.) Subject to the provisions of this section the portions of any poor rate which shall become payable under the provisions of this Act shall and may be collected and levied, sued for and recovered, by such and the same ways and means as the entire poor rate might have been collected, levied, sued for, and recovered if this Act had not passed.

Application of Act.

**3.** This Act shall not apply to any poor rate made for any poor law union or part of a poor law union situate in the city of Dublin, within the meaning assigned to those words by the Act of the twelfth and thirteenth years of the reign of Her present Majesty, chapter ninety-one.

12 & 13 Vict. c. 91.

# CHAPTER 31.

## An Act to amend the Law relating to the Superannuation of Officers and Servants of Pauper Lunatic Asylums in Ireland. [4th August 1890.]

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Short title.

**1.** This Act may be cited as the Pauper Lunatic Asylums, Ireland, Superannuation Act, 1890.

Extent.

**2.** This Act shall extend to Ireland only.

Provision for superannuation.

**3.**—(1.) In case any officer (within the meaning assigned to that word by the Act of the thirtieth and thirty-first years of the reign of Her present Majesty, chapter one hundred and eighteen) or servant of any district lunatic asylum in Ireland whose whole

30 & 31 Vict. c. 118.

time has been devoted to the service of such asylum, become from confirmed sickness, age, or infirmity incapable of executing the office in person, or has been an officer or servant in the asylum for not less than fifteen years and be not less than fifty years of age, it shall be lawful for the Board of Governors of such asylum, if in their discretion they think fit so to do, but not otherwise, with the approval of the inspectors of lunatics or one of them, to grant to such officer or servant (whether incapable from sickness, age, or infirmity, or having been an officer or servant in the asylum for not less than fifteen years and being not less than fifty years of age) such annuity in the way of superannuation as they think proportionate to the merits and time of service of such officer or servant, and every such annuity shall be advanced, paid, presented for and raised in like manner as any other moneys advanced or raised for supporting and maintaining such asylum: Provided always, that the annual amount paid in the way of superannuation to any retired officer or servant of any such asylum shall not exceed the sum of two thirds of the annual salary and two thirds of the annual value of the lodgings, rations, and other allowances payable to or enjoyed by the person superannuated at the time of his or her retirement; and that no such superannuation shall be granted unless notice of the meeting of the Board of Governors at which the same shall be granted, and of the intention to determine thereat the question of such superannuation, shall have been given to each member of such Board of Governors personally, or left at his place of abode, or posted at the post office nearest such asylum, in a letter directed to him, at least fourteen days before the time appointed for such meeting, nor unless three Governors concur in and sign the order granting the same.

(2.) Where the offices of superintendent and matron of any such asylum are held by man and wife, and an order has been made under this Act granting an annuity in the way of superannuation to the superintendent, the provisions of this Act as to the grant of annuity in the way of superannuation shall apply to such matron, notwithstanding she has not attained the age of fifty years, provided such matron has been an officer in the asylum for not less than twenty years, and provided that if any such matron as aforesaid at any time thereafter is appointed to any public office, or any office under the Lunacy Acts, in respect of which she receives a salary, the payment of the compensation awarded to her under this Act shall be suspended so long as she receives such salary, if the amount thereof is greater than the amount of compensation; or, if not, shall be diminished by the amount of such salary.

(3.) Any annuity granted under this Act shall be in substitution for and not in addition to any superannuation allowance under the provisions of the Act of the thirtieth and thirty-first years of the reign of Her present Majesty, chapter one hundred and eighteen. 30 & 31 Vict. c. 118.

4. No order granting an annuity under this Act shall be effectual until the same shall have been approved by the Lord Lieutenant of Ireland in Council. Approval of superannuation order.

# CHAPTER 32.

## An Act to assent to certain Provisions in an Agreement between Her Majesty and the German Emperor.

[4th August 1890.]

WHEREAS an Agreement, dated the first day of July, one thousand eight hundred and ninety, has been concluded between Her Majesty the Queen and His Majesty the German Emperor, whereby, amongst other things, it was provided by the provisions set out in the schedule to this Act that, subject to the assent of Parliament, the Sovereignty of the Island of Heligoland, together with its dependencies, should be ceded to His Majesty the German Emperor:

And whereas it is expedient to give such assent:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Assent to provisions in schedule.

**1.** The assent of Parliament is hereby given to those provisions of the said agreement which are set out in the schedule to this Act, and it shall be lawful for Her Majesty the Queen to do everything that appears to Her Majesty necessary or proper for carrying into effect those provisions.

Short title.

**2.** This Act may be cited as the Anglo-German Agreement Act, 1890.

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## SCHEDULE.

### PROVISIONS OF AGREEMENT REFERRED TO.

### ARTICLE XII.

1. Subject to the assent of the British Parliament, the sovereignty over the Island of Heligoland, together with its dependencies, is ceded by Her Britannic Majesty to His Majesty the Emperor of Germany.

2. The German Government will allow to all persons natives of the territory thus ceded the right of opting for British nationality by means of a declaration to be made by themselves, and in the case of children under age by their parents or guardians, which must be sent in before the 1st of January, 1892.

3. All persons natives of the territory thus ceded, and their children born before the date of the signature of the present Agreement are free from the obligation of service in the military and naval forces of Germany.

4. Native laws and customs now existing will, as far as possible, remain undisturbed.

5. The German Government binds itself not to increase the customs tariff at present in force in the territory thus ceded until the 1st of January, 1910.

6. All rights to property which private persons or existing corporations have acquired in Heligoland in connexion with the British Government are maintained; obligations resulting from them are transferred to His

Majesty the Emperor of Germany. It is understood that the above term "rights to property" includes the right of signalling now enjoyed by Lloyd's.

7. The rights of British fishermen with regard to anchorage in all weathers, to taking in provisions and water, to making repairs, to transshipment of goods, to the sale of fish, and to the landing and drying of nets, remain undisturbed.

# CHAPTER 33.

## An Act for further promoting the Revision of the Statute Law by repealing Enactments which are superfluous or have ceased to be in force or have become unnecessary.

[4th August 1890.]

WHEREAS it is expedient that certain enactments which may be regarded as superfluous or spent, or have ceased to be in force otherwise than by express specific repeal by Parliament, or have, by lapse of time or otherwise, become unnecessary, should be expressly and specifically repealed:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

**Enactments in First Schedule repealed.**

1. The enactments described in the First Schedule to this Act are hereby repealed, subject to the provisions of this Act and to the exceptions and qualifications in that schedule mentioned, and every part of a title, preamble, or recital specified after the words "In part, namely," in connexion with an Act mentioned in the said Schedule, may be omitted from any Revised Edition of the Statutes published by authority, and there may be added in that edition such brief statement of the Acts, officers, persons, and things mentioned in the title, preamble, or recital as may, in consequence of such omission, appear necessary.

**Enactments in Second Schedule to be local and personal.**

2. The Acts described in the Second Schedule to this Act may, subject to the exception therein contained, be omitted from any Revised Edition of the Statutes published by authority after the passing of this Act as if they were Local and Personal Acts.

**Savings.**

3. The repeal of any words or expressions of enactment described in the First Schedule to this Act shall not affect the binding force, operation, or construction of any statute, or of any part of a statute, whether as respects the past or future,

and where any enactment not comprised in the First Schedule to this Act has been repealed, confirmed, revived, or perpetuated by any enactment hereby repealed, such repeal, confirmation, revivor, or perpetuation shall not be affected by the repeal effected by this Act;

and the repeal by this Act of any enactment or schedule shall not affect any enactment in which such enactment or schedule has been applied, incorporated, or referred to;

nor shall such repeal of any enactment affect any right to any hereditary revenues of the Crown, or affect any charges thereupon or prevent any such enactment from being put in force for the collection of any such revenues, or otherwise in relation thereto;

and this Act shall not affect the validity, invalidity, effect, or consequences of anything already done or suffered,—or any existing status or capacity,—or any right, title, obligation, or liability already acquired, accrued, or incurred, or any remedy or proceeding in respect thereof,—or any release or discharge of or from any debt, penalty, obligation, liability, claim, or demand,—or any indemnity, —or the proof of any past act or thing;

nor shall this Act affect any principle or rule of law or equity, or established jurisdiction, form or course of pleading, practice, or procedure, or the general or public nature of any statute, or any existing usage, franchise, liberty, custom, privilege, restriction, exemption, office, appointment, payment, allowance, emolument, or benefit, or any prospective right, notwithstanding that the same respectively may have been in any manner affirmed, recognised, or derived by, in, or from any enactment hereby repealed;

nor shall this Act revive or restore any jurisdiction, office, duty, drawback, fee, payment, franchise, liberty, custom, liability, right, title, privilege, restriction, exemption, usage, practice, procedure, form of punishment, or other matter or thing not now existing or in force;

and this Act shall not extend to repeal any enactment so far as the same may be in force in any part of Her Majesty's dominions out of the United Kingdom, except where otherwise expressed in the First Schedule to this Act.

Application of repealed enactments in local courts.

**4.** If and so far as any enactment repealed by this Act applies or may have been by Order in Council applied to the court of the county palatine of Lancaster or to any inferior court of civil jurisdiction, such enactment shall be construed as if it were contained in a local and personal Act specially relating to such court and shall have effect accordingly.

Amendment of 51 & 52 Vict. c. 57. (S.L.R.)

**5.** The Statute Law Revision (No. 2) Act, 1888, shall be read and construed as if in the entry in the schedule thereto relating to the Act of the session held in the fifth and sixth years of the reign of King William the Fourth, chapter twenty-six, sections two, three, and four were therein referred to, in lieu of sections one, two, and three respectively.

Short title.

**6.** This Act may be cited as the Statute Law Revision Act, 1890.

# SCHEDULES.

These schedules are to be read as referring to the Revised Edition of the Statutes prepared under the direction of the Statute Law Committee in all cases of Statutes included in that edition.

A description or citation of a portion of an Act includes the words mentioned or referred to as forming the beginning or as forming the end of the portion comprised in the description or citation.

Enactments which have been already repealed are, in a few instances, included in the first schedule, in order to avoid the necessity of reference to previous Statutes.

## FIRST SCHEDULE.

| Reign and Chapter. | Title. |
|---|---|
| 43 Geo. 3. c. 46. - | An Act for the more effectual Prevention of frivolous and vexatious Arrests and Suits; and to authorise the levying of Poundage upon Executions in certain Cases. |
| 43 Geo. 3. c. 59. - | An Act for remedying certain Defects in the Laws relative to the building and repairing of County Bridges, and other Works maintained at the Expence of the Inhabitants of Counties in England.<br>In part; namely,—<br>So much as extends and applies any provisions of 13 Geo. 3. c. 78. other than sections six to fourteen, sixteen, eighteen, twenty-seven to thirty-three, forty-nine, fifty, seventy-two to eighty-one, and forms eleven, twelve, twenty-three, and twenty-four, in the schedule. |
| 45 Geo. 3. c. 89. - | An Act the title of which begins with the words "An Act to alter" and ends with the words "Great Britain."<br>In part; namely,—<br>Preamble.<br>The words "from and after the passing of this Act" and "and shall suffer death as a felon without benefit of clergy," wherever they occur. |
| 47 Geo. 3. sess. 2. c. 68. | An Act the title of which begins with the words "An Act for the better" and ends with the words "Service Abroad."<br>Repealed as to all Her Majesty's dominions. |
| 48 Geo. 3. c. 140. | An Act the title of which begins with the words "An Act for the more" and ends with the words "Dublin Metropolis."<br>In part; namely,—<br>Sections forty-seven and forty-eight. |
| 48 Geo. 3. c. 149. | An Act the title of which begins with the words "An Act for repealing" and ends with the words "Duties in lieu thereof."<br>In part; namely,—<br>Section forty, from "and the Stamp Duty" to the end of the section. |

| Reign and Chapter. | Title |
|---|---|
| 50 Geo. 3. c. 31. - | An Act the title of which begin with the words "An Act for augmenting" and ends with the words "in Ireland." |
| 52 Geo. 3. c. 130. | An Act the title of which begins with the words "An Act for the" and ends with the words "injury sustained."<br>In part; namely,—<br>Section one, from "without benefit" where those words first occur to the end of the section.<br>Section two, from "without benefit" where those words first occur to the end of the section. |
| 52 Geo. 3. c. 143. | An Act the title of which begins with the words "An Act for amending" and ends with the words "Great Britain."<br>In part; namely,—<br>Section six, the words "and shall suffer death as a felon without benefit of clergy." |
| 53 Geo. 3. c. 155. | An Act the title of which begins with the words "An Act for continuing," and ends with the words "Company's Charter."<br>In part; namely,—<br>Sections ninety-seven to one hundred and ten.<br>Section one hundred and twenty-four.<br>Repealed as to all Her Majesty's dominions. |
| 54 Geo. 3. c. 15. - | An Act for the more easy Recovery of Debts in His Majesty's Colony of New South Wales.<br>In part; namely,—<br>The whole Act so far as it extends to the colony of Victoria. |
| 55 Geo. 3. c. 42. - | An Act the title of which begins with the words "An Act to facilitate" and ends with the words "Civil Causes."<br>In part; namely,—<br>Preamble.<br>Section one to "civil causes."<br>Section twelve, to "passing of this Act," from "his heirs" to "this Act," and the words "her heirs and successors."<br>Section twenty, the word "stewart."<br>Section twenty-five, the word "stewart," and from "immediately after" to "afterwards."<br>Section twenty-six, the words "or steward."<br>Section twenty-seven, the words "or stewart."<br>Section twenty-nine, the word "stewart." |
| 55 Geo. 3. c. 50. - | An Act for the Abolition of Gaol and other Fees connected with the Gaols in England.<br>In part; namely,—<br>Preamble.<br>Section one, to "October next."<br>Section four, to "enacted that" and the words "now is or hereafter."<br>Sections six to eight, eleven and twelve, except as to any officers therein referred to appointed before the 8th August 1845.<br>Section nine, to "this Act."<br>Section thirteen, to "that," and the words "from and after the first day of October next." |

| Reign and Chapter. | Title. |
|---|---|
| 55 Geo. 3. c. 70. - | An Act for better regulating the Formation and Arrangement of the Judicial and other Records of the Court of Session in Scotland.<br>In part; namely,—<br>Preamble.<br>Section one, to "of the same that" and the words "from and after the passing of this Act."<br>Section three, from "and the said keeper," to the end of the section.<br>Section four, the words "from and after the twelfth day of November next," and from "in the following" to "assistant keepers." |
| 55 Geo. 3. c. 72. - | An Act to fix the Election for Glamorganshire at a central place within the said County. |
| 55 Geo. 3. c. 89. - | An Act the title of which begins with the words "An Act to amend" and ends with the words "in Ireland."<br>In part; namely,—<br>Preamble.<br>Section one, from "whether erected" to "or not," and the words "or the commission of oyer and terminer." |
| 55 Geo. 3. c. 91. - | An Act for the Payment of Costs and Charges to Prosecutors and Witnesses in cases of Felony in Ireland.<br>In part; namely,—<br>Section two, to "enacted that."<br>Section three, to "enacted that." |
| 55 Geo. 3. c. 94. - | An Act to continue and amend several Acts relating to the British White Herring Fishery.<br>In part; namely,—<br>Preamble.<br>Section one, to "of the same that" and from "from the first" to "and fifteen."<br>Section nine, the words "the lords commissioners of."<br>Section twelve, to "and sixteen," and the word "that" before "if any."<br>Section thirteen, the words "be and they" and from "after the first" to "and sixteen."<br>Section thirty-three, to "and sixteen."<br>Section thirty-nine, to "this Act."<br>Section forty-two, the words "of debt bill plaint" and the words "his heirs and successors." |
| 55 Geo. 3. c. 114. | An Act the title of which begins with the words "An Act to augment" and ends with the words "in Ireland." |
| 55 Geo. 3. c. 115. | An Act to carry into effect a Convention made between His Majesty and the King of the Netherlands and the Emperor of all the Russias.<br>In part; namely,—<br>Section one, from "the lord" to "commissioners of," and from "of Great Britain, or" to "they is and."<br>Section two, to "commissioners of" and the words "for the time being."<br>Section three, to "enacted that," from "the said lord" to "commissioners of," and from "or any" to "time being." |

| Reign and Chapter | Title. |
|---|---|
| 55 Geo. 3. c. 128. | An Act to enable His Majesty to acquire ground necessary for Signal and Telegraph stations.<br>In part; namely,—<br>Section two, the words "the lords commissioners of."<br>Section three, the words "the said lords commissioners of" and "his heirs and successors."<br>Section four, the word "stewartry" wherever it occurs.<br>Section five, the words "or sittings of nisi prius" and the words "or sittings" where they twice occur.<br>Section nine, the words "his heirs and successors." |
| 55 Geo. 3. c. 137. | An Act the title of which begins with the words "An Act to prevent," and ends with the words "to the Poor."<br>In part; namely,—<br>Preamble.<br>Section one, to "of the same that."<br>Section six, to "passing of this Act" and the words "of debt or on the case," and from "in which action" to "be allowed." |
| 55 Geo. 3. c. 143. | An Act to amend the Acts relating to the building and repairing of County Bridges.<br>In part; namely,—<br>Preamble.<br>Section one, to "passing of this Act," the words "appointed or," and from "at the passing" to "passing thereof." |
| 55 Geo. 3. c. 184. | An Act the title of which begins with the words "An Act for repealing" and ends with the words "in lieu thereof."<br>In part; namely,—<br>Preamble.<br>Section two, the words "his heirs and successors" and from "and that all the other" to "and fifteen"<br>Section twenty-four, the words "the governor and company of."<br>Section twenty-seven, the words "the said governor and company of."<br>Section thirty-nine.<br>Sections forty and forty-one, except as to grants of probate and letters of administration made before the first of June one thousand eight hundred and eighty-one.<br>Section forty-four, to "this Act."<br>Section forty-eight, the words "his heirs or successors."<br>Section fifty-one, the words "the commissioners of."<br>The Schedule from "Part the Second" to "Lunacy."<br>The Schedule, Part the Third, so much of the portion under head II. as relates to a duty of 1*l.* 0*s* 0*d.* per cent., and the whole of Part the Third, except as to Exemptions from all stamp duties and as to duties on Legacies and Successions, and except as to grants of probate and letters of administration made before the first of April one thousand eight hundred and eighty. |

| Reign and Chapter. | Title. |
|---|---|
| 55 Geo. 3. c. 185. | An Act the title of which begins with the words "An Act for repealing" and ends with the words "in lieu thereof."<br>In part; namely,—<br>Preamble.<br>Section two, the words "his heirs and successors," and from "and that the duties" to "and fifteen" where those words lastly occur.<br>Section seven, the words "his heirs or successors" twice occurring. |
| 55 Geo. 3. c. 194. | An Act for better regulating the Practice of Apothecaries throughout England and Wales.<br>In part; namely,—<br>Preamble, the words "for himself, his heirs and successors."<br>Section fourteen, to "and fifteen," and the words "except persons already in practice as such."<br>Section seventeen, from "from and after" to "and fifteen," and from "except the persons" to "aforesaid, and."<br>Section twenty, the words "except such as are then actually practising as such," "after the said first day of August one thousand eight hundred and fifteen" (twice occurring), and "except such as are then acting as such, and."<br>Section twenty-one, from "that he was" to "and fifteen, or."<br>Section twenty-six, the words "or suit at law," and from "wherein no essoign" to "be allowed."<br>Section twenty-nine, from "or of any person" to "and fifteen," and the words "and all such persons or person." |
| 56 Geo. 3. c. 46. | An Act for the better Regulation of the Civil List.<br>In part; namely,—<br>The words "lord high treasurer, or the commissioners of his Majesty's," "for the time being, or any three or more of them," "lord high treasurer, or commissioners of the," "for the time being," "lord high treasurer, or commissioners of his Majesty's" and "the said lord high treasurer, or the commissioners of" wherever they occur.<br>Section eight, to "enacted that."<br>Section nine, from "as soon as" to "passing of this Act."<br>Section ten, to "enacted that." |
| 56 Geo. 3. c. 55. | An Act the title of which begins with the words "An Act to amend" and ends with the words "in Ireland."<br>In part; namely,—<br>Preamble, from "who should have."<br>Section one, to "of the same that."<br>The words "or other chief governor of Ireland for the time being" in the preamble and section one.<br>Section four, to "this Act." |

| Reign and Chapter. | Title. |
|---|---|
| 56 Geo. 3. c. 56. - | An Act the title of which begins with the words "An Act to repeal" and ends with the words "said Duties."<br>In part; namely,—<br>Section one hundred and seventeen, the words "in "the form contained in the Schedule hereunto "annexed."<br>Section one hundred and eighteen.<br>Sections one hundred and nineteen and one hundred and twenty, except as to grants of probate and letters of administration made before the first of June one thousand eight hundred and eighty-one.<br>Section one hundred and twenty-three, the words "his heirs or successors."<br>Section one hundred and twenty-six, the words "his heirs and successors."<br>Section one hundred and thirty, the words "the governor and company of" and "the said governor and company of."<br>The Schedule, Part the Third. |
| 56 Geo. 3. c. 82. - | An Act to render valid the judicial Acts of Surrogates of Vice-Admiralty Courts abroad during Vacancies in Office of Judges of such Courts.<br>Repealed as to all Her Majesty's dominions. |
| 56 Geo. 3. c. 98. - | An Act the title of which begins with the words "An Act to unite" and ends with the words "United Kingdom."<br>In part; namely,—<br>Section fifteen, to "and seventeen," from "or other chief" to "time being," the words "or other chief governor or governors of Ireland," and the words "or their."<br>Section sixteen, to "Ireland, nor," the words "nor shall any such appointment," "vice-treasurer for Ireland, or," and "nor shall any of them."<br>Section twenty-two, to "and eighteen." |
| 56 Geo. 3. c. 116. | An Act the title of which begins with the words "An Act to explain" and ends with the words "in England." |
| 56 Geo. 3. c. 120. | An Act to procure Annual Returns of Persons committed, tried, and convicted for Criminal Offences, and Misdemeanors in Ireland.<br>In part; namely,—<br>The words "clerks of the sessions of oyer and terminer and gaol delivery," "of the lord lieutenant," "to the lord lieutenant," "or other chief "governor or governors of Ireland for the time "being," "sessions of oyer and terminer and gaol delivery," wherever they occur.<br>Schedule, the words "or session of oyer and terminer." |
| 56 Geo. 3. c. 125. | An Act the title of which begins with the words "An Act for the" and ends with the words "Injury sustained."<br>In part; namely,—<br>Preamble. |

| Reign and Chapter. | Title. |
|---|---|
| 56 Geo. 3 c. 125. —*cont.* | Section one, to "of the same that," the words "after the passing of this Act," and from "without benefit" where those words first occur, to the end of the section.<br>Section three, the words "or stewart" and "or stewartry." |
| 56 Geo. 3. c. 139. | An Act to regulate the binding of Parish Apprentices.<br>In part; namely,—<br>Preamble.<br>Section two, from "at any time" to "October."<br>Section seven, from "from and after" to "October."<br>Section eight, the words "after the said first day of October."<br>Section nine, from "from and after" to "and sixteen."<br>Section ten, from "after the first" to "and sixteen."<br>Section eleven, the words "after the said first day of October." |
| 57 Geo. 3. c. 19. - | An Act for the more effectually preventing Seditious Meetings and Assemblies.<br>In part; namely,—<br>Section twenty-three, to "enacted that," and the word "that" before "if any."<br>Section twenty-four.<br>Section twenty-five, to "clubs and also" and the word "other" first occurring, the words "from and after the passing of this Act," twice occurring, and the words "after the passing of this Act."<br>Sections twenty-nine and thirty, the word "stewartry."<br>Section thirty-one, the words "his heirs and successors." |
| 57 Geo. 3. c. 25. - | An Act the title of which begins with the words "An Act to explain," and ends with the words "by the said Act."<br>In part; namely,—<br>Preamble.<br>Section one, to "and seventeen."<br>Section four. |
| 57 Geo. 3. c. 41. - | An Act the title of which begins with the words "An Act to repeal" and ends with the words "at War."<br>In part; namely,—<br>Preamble.<br>Section two, to "shall cease." |
| 57 Geo. 3. c 56. - | An Act to amend the Laws in respect to forfeited Recognizances in Ireland.<br>In part; namely,—<br>Preamble.<br>Section two to "this Act."<br>Section four, from "wherein no" to the end of the section.<br>Section eighteen, the words "oyer and terminer, gaol delivery" and "or nisi prius"<br>Section twenty-three, the words "his heirs and successors." |

| Reign and Chapter. | Title. |
|---|---|
| 57 Geo. 3. c. 62. - | An Act to abolish certain Offices and to regulate certain other Offices in Ireland.<br>In part; namely,—<br>The whole Act, except sections eight, ten, and eleven.<br>Section eight, to "shall become vacant," from "or other" to "time being" where those words next occur, from "lord high" to "his Majesty's," and the words "for the time being" where they secondly occur.<br>Section eleven, from "to the lord" to "of Ireland," and the words "for the time being" where they lastly occur. |
| 57 Geo. 3. c. 64. - | An Act to abolish certain Offices and regulate others in Scotland.<br>In part; namely,—<br>Preamble.<br>Section one.<br>Section two, from "lord high" to "Majesty's," and from "of the said United" to "more of them;" from "and in the next place" to "granted to him," and from "and if such fees" to the end of the section.<br>Section three, to "become vacant," and the words "his heirs or successors."<br>Section four, from "said lord" to "Majesty's," and from "for the time being, or," to "more of them."<br>Section five, to "becoming vacant," from "and it shall not" to "per annum," from "said lord" to "Majesty's," and from "or any three" to "time being."<br>Section six, from "said lord high" when first occurring, to "Majesty's," the words "or any three or more of them," twice occurring, from "and in the next place" to "office of lord register," and from "the said lord," where lastly occurring, to "commissioners of."<br>Section nine.<br>Section eleven, the words "the said lord high treasurer or commissioners of," twice occurring, and from "or any three" to "time being," and the whole section, except as to the office of clerk to the admission of notaries in Scotland.<br>Section thirteen, the words "said commissioners of his Majesty's." |
| 57 Geo. 3. c. 87. - | An Act the title of which begins with the words "An Act to amend" and ends with the words "of smuggling."<br>In part; namely,—<br>Section eleven, to "enacted, that," and the word "that" before "the exporter."<br>Section twelve, to "enacted, that."<br>Section thirteen to "enacted, that," the word "that" before "one moiety," and the words "his heirs and successors." |
| 57 Geo. 3. c. 91. - | An Act the title of which begins with the words "An Act to enable" and ends with the words "England and Wales."<br>In part; namely,—<br>Preamble. |

| Reign and Chapter. | Title. |
|---|---|
| 57 Geo. 3. c. 91. —*cont.* | Section one.<br>Section two, the words "of debt, bill, plaint," and from "wherein no essoign" to the end of the section.<br>Section three, the words "of debt, bill, plaint," and from "wherein no essoign" to the end of the section. |
| 57 Geo. 3. c. 100. | An Act the title of which begins with the words "An Act to renew" and ends with the words "Land Tax."<br>In part; namely,—<br>Preamble.<br>The words "the governor and company of" in sections seventeen and twenty-three. |
| 58 Geo. 3. c. 29. - | An Act for regulating the Payment of Fees for Pardons under the Great Seal.<br>In part; namely,—<br>Preamble.<br>Section one, to "passing of this Act," the words "his heirs and successors," the word "that," from "lords" to "Majesty's," and from "of the United" to "Ireland."<br>Section two, to "this Act." |
| 58 Geo. 3. c. 30. - | An Act for preventing frivolous and vexatious Actions of Assault and Battery, and for slanderous Words in Courts.<br>In part; namely,—<br>Preamble.<br>Section one, to "passing of this Act," and from "the court of great" where first occurring, to "of Durham." |
| 58 Geo. 3. c. 45. - | The Church Building Act, 1818.<br>In part; namely,—<br>Preamble.<br>Section thirty-four, the words "his Majesty's" where first occurring, "forests and land revenues," from "lord high" to "Majesty's," and from "of the United" to "more of them." |
| 58 Geo. 3. c. 47. - | An Act the title of which begins with the words "An Act to establish" and ends with the words "in Ireland."<br>In part; namely,—<br>Preamble.<br>Section one, to "the passing of this Act."<br>The words "from and after the passing of this Act" in section five.<br>Section eight, the words "or other chief governor or governors" thrice occurring, the words "of Ireland," "or their," and "for the time being." |
| 59 Geo. 3. c. 25. - | An Act the title of which begins with the words "An Act to enable" and ends with the words "and Vessels."<br>In part; namely,—<br>To "passing of this Act," the words "his heirs and successors," the words "his heirs or successors" twice occurring, and the word "that" wherever it occurs. |

| Reign and Chapter. | Title. |
|---|---|
| 59 Geo. 3. c. 27. - | An Act the title of which begins with the words "An Act to facilitate" and ends with the words "Inland Navigations."<br>In part; namely,—<br>To "passing of this Act," the words "pains of death, and other" and from "or of any commission" to the end of the Act. |
| 59 Geo. 3. c. 38. - | An Act the title of which begins with the words "An Act to enable" and ends with the words "of America."<br>In part; namely,—<br>The words "from and after the passing of this Act" in sections one and two.<br>Section four, the words "his heirs and successors." |
| 59 Geo. 3. c. 76. - | An Act the title of which begins with the words "An Act to establish" and ends with the words "said Bank."<br>In part; namely,—<br>Preamble.<br>The words "the governor and company of" and "the said governor and company of" wherever they occur.<br>Section one, to "this Act" and the words "his heirs or successors." |
| 59 Geo. 3. c. 85. - | An Act to amend and correct an Act of the last Session of Parliament for the Regulation of Parish Vestries in England.<br>In part; namely,—<br>Preamble.<br>Section one, to "this Act."<br>Section three, to "further enacted, that." |
| 59 Geo. 3. c. 94. - | An Act the title of which begins with the words "An Act to explain" and ends with the words "and Successors."<br>In part; namely,—<br>Title, the words "His Heirs and Successors."<br>Preamble.<br>Section one, to "of the same that," and the word "that" before "it shall be lawful."<br>The words "his heirs and successors" and "his heirs or successors" wherever they occur, the word "respectively" where it occurs following the words last repealed, and the words "or their" occurring before "sign manual." |
| 59 Geo. 3. c. 134. | The Church Building Act, 1819.<br>In part; namely,—<br>Preamble.<br>Section twenty, the words "his Majesty's" where first occurring, the words "forests and land revenues," from "lord high" to "Majesty's," and from "of the United" to "more of them."<br>Section twenty-four, to "passing of this Act." |
| 60 Geo. 3. & 1 Geo. 4 c. 1. | An Act to prevent the training of Persons to the Use of Arms, and to the Practice of Military Evolutions and Exercise.<br>In part; namely,—<br>The words "or of any stewartry," in section one, and the word "stewartry" in section three. |

| Reign and Chapter. | Title. |
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| 60 Geo. 3. & 1 Geo. 4. c. 8. | An Act for the more effectual Prevention and Punishment of blasphemous and seditious Libels.<br>In part; namely,—<br>Preamble.<br>Section one, to "passing of this Act" and the words "his heirs or successors, or the Regent." |
| 60 Geo. 3. & 1 Geo. 4. c. 11. | An Act for the better Regulation of Polls, and for making further Provision touching the Election of Members to serve in Parliament for Ireland.<br>In part; namely,—<br>Preamble.<br>Section four. |
| 1 Geo. 4. c. 5. - | An Act the title of which begins with the words "An Act to enable" and ends with the words "Party thereto."<br>In part; namely,—<br>Title, the words "the Governor and Company of."<br>Preamble.<br>Section one, to "of the same that."<br>The words "the governor and company of" in section four. |
| 1 Geo. 4. c. 90. - | An Act the title of which begins with the words "An Act to remove" and ends with the words "the Admiralty."<br>In part; namely,—<br>Preamble.<br>Section one, to "of this Act." |
| 1 Geo. 4. c. 92. - | An Act for the further Prevention of forging and counterfeiting of Bank Notes.<br>In part; namely,—<br>The words "from and after the passing of this Act" wherever they occur. |
| 1 Geo. 4. c. 100. | An Act the title of which begins with the words "An Act for amending" and ends with the words "City of London."<br>In part; namely,—<br>Preamble. |
| 1 & 2 Geo. 4. c. 28. | An Act the title of which begins with the words "An Act for abolishing" and ends with the words "held by them."<br>In part; namely,—<br>Preamble.<br>Section one, to "on the said coast; and," and the words "his heirs and successors for ever."<br>Section three, to "this Act." |
| 1 & 2 Geo. 4. c. 31. | An Act for removing Doubts as to the Continuance of the Hereditary Revenue in Scotland. |
| 1 & 2 Geo. 4. c. 33. | An Act the title of which begins with the words "An Act to make" and ends with the words "in Ireland."<br>In part; namely,—<br>Preamble, and section one to "of the same that."<br>The words "or other chief governor or governors of Ireland" and "or other chief governor or governors" wherever they occur.<br>Section two, the words "at any time after the passing of this Act."<br>Section five, the words "and they."<br>Section seventeen, the words "for the time being" (thrice occurring) and the words "or are." |

| Reign and Chapter. | Title. |
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| 1 & 2 Geo. 4 c. 36. | An Act for the better Regulation of the Public Notaries in Ireland.<br>In part; namely,—<br>Preamble, and section one to "twenty-one."<br>The words "from and after the said first day of July" and "after the said first day of July," wherever they occur.<br>Section sixteen, the words "of debt, bill, plaint" and from "wherein no" to "allowed, and." |
| 1 & 2 Geo. 4. c. 38. | An Act the title of which begins with the words "An Act for establishing" and ends with the words "the said Courts."<br>In part; namely,—<br>Preamble.<br>Section one, to "of the same that."<br>Section nine, to "this Act."<br>Section ten, to "enacted that."<br>Section eleven, to "enacted that," and from "from and after" to "present year," and from "and that" to "abolished."<br>Section fourteen, to "quarterly and."<br>Section twenty-three, to "enacted that."<br>Section twenty-four, to "this Act."<br>Section twenty-six, to "this Act."<br>Section thirty-two, to "enacted that," the word "said" before "office of auditor," the words "his heirs and successors," wherever they occur, the word "that" before "upon every" and the words "present auditor or any," and "henceforth to be appointed."<br>Section thirty-three, to "summons; and." |
| 1 & 2 Geo. 4. c. 44. | An Act to exclude Persons holding certain Judicial Offices in Ireland from being Members of the House of Commons.<br>In part; namely,—<br>Preamble.<br>Section one.<br>Section two, the words "stewartry," "town, cinque port," "after the passing of this Act," "of debt, bill, plaint," from "in which" to "imparlance," and the words "his heirs and successors." |
| 1 & 2 Geo. 4. c 53. | An Act the title of which begins with the words "An Act to regulate," and ends with the words "in Ireland."<br>In part; namely,—<br>Preamble.<br>Sections one to twenty-three.<br>Sections thirty-six and thirty-seven.<br>Sections forty-two to forty-six.<br>Section fifty-eight.<br>Section sixty-nine, the words "of debt, bill, plaint," from "wherein no" to "imparlance," and the words "his heirs and successors."<br>Schedules. |
| 1 & 2 Geo. 4. c. 54. | An Act to regulate the Office of Clerk of Assize or Nisi Prius, or Judge's Registrar, in Ireland.<br>In part; namely,—<br>Preamble. |

| Reign and Chapter. | Title. |
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| 1 & 2 Geo. 4. c. 54. —*cont.* | Section one, to "of this Act," and the words "his heirs and successors."<br>Section two, to "in Ireland" where those words first occur, from "at the receipt of his" to "and Ireland," from "the first of such" where those words first occur, to "and twenty-two," from "which shall succeed" to "of this Act," the words "at the receipt of the said Exchequer," and from "the first of such," where those words secondly occur, to the end of the section. |
| 1 & 2 Geo. 4. c. 66. | An Act for regulating the Fur Trade and establishing a Criminal and Civil Jurisdiction within certain Parts of North America.<br>In part; namely,—<br>Preamble.<br>Section one, to "passing of this Act."<br>The words "his heirs or successors" and "his heirs and successors" wherever they occur.<br>Section three, to "passing of this Act."<br>Section four.<br>Section six, to "passing of this Act."<br>Repealed as to all Her Majesty's dominions. |
| Geo. 4. c. 72. | An Act the title of which begins with the words "An Act to establish" and ends with the words "Three Millions."<br>In part; namely,—<br>Preamble.<br>The words "the said governor and company of" wherever they occur.<br>Section six, to "passing of this Act." |
| 1 & 2 Geo. 4. c. 77. | An Act the title of which begins with the words "An Act to abolish," and ends with the words "other Officers."<br>In part; namely,—<br>Preamble.<br>Section one, to "this Act," and the word "that."<br>Section two, to "this Act," and the word "that."<br>Section seven, from "of debt" to "be allowed."<br>Section nine, to "enacted that." |
| 1 & 2 Geo. 4. c. 79. | An Act the title of which begins with the words "An Act to repeal," and ends with the words "said Fishery."<br>In part; namely,—<br>Section three, to "this Act" where those words first occur, and the word "that" before "all such."<br>Section five, to "passing of this Act." |
| 1 & 2 Geo. 4. c. 112. | An Act, the title of which begins with the words "An Act to grant" and ends with the words "in Ireland."<br>In part; namely,—<br>Preamble.<br>The words "his heirs and successors" and "his heirs or successors" wherever they occur in sections five, eight, eleven, and fifteen."<br>Section five, from "or other chief" to "time being" where those words next occur.<br>Section twenty-seven, from "or other chief" to "like manner" and the word "succeeding." |

| Reign and Chapter. | Title |
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| 3 Geo. 4 c. 46. - | An Act for the more speedy Return and Levying of Fines, Penalties, and Forfeitures, and Recognizances estreated.<br>In part; namely,—<br>Preamble<br>Section two, to "and twenty-two," and the words "already are or hereafter."<br>Section eight, the words "lords commissioners of his Majesty's" and "of the United Kingdom of Great Britain and Ireland."<br>Section ten, the words "the said lords commissioners of," "of debt or on the case," and from "wherein" to the end of the section.<br>Section thirteen, the words "his heirs and successors." |
| 3 Geo. 4 c. 49. - | An Act concerning the Residence of Sheriffs Depute of the Counties of Edinburgh and Lanark.<br>In part; namely,—<br>Preamble.<br>Section one to "this Act" and the word "that" before "every person."<br>Section two. |
| 3 Geo 4. c. 52. - | An Act the title of which begins with the words "An Act to grant," and ends with the words "and twenty-four."<br>In part; namely,—<br>Preamble.<br>Section one hundred and sixteen, to "enacted that."<br>Section one hundred and seventeen, to "enacted that."<br>Section one hundred and eighteen, to "enacted that"<br>Section one hundred and twenty-one, the words "commissioners of his Majesty's," from "of the United" to "time being" where those words next occur, the words "signed by any three or more of them," where those words first occur, the words "said commissioners of his Majesty's," occurring twice.<br>Section one hundred and twenty-four, the words "his heirs and successors." |
| 3 Geo 4. c. 62. - | An Act the title of which begins with the words "An Act for regulating" and ends with the words "Scotland therein." |
| 3 Geo. 4. c. 63. - | An Act, the title of which begins with the words "An Act to authorize," and ends with the words "in Ireland"<br>In part; namely,—<br>Title, from "and the Sale" to "Hereditaments."<br>Preamble.<br>Section twelve, the words "his heirs or successors." |
| Geo. 4. c. 79. - | An Act the title of which begins with the words "An Act to amend" and ends with the words "Schools in Ireland."<br>In part; namely,—<br>Preamble.<br>The words "or other chief governor or governors of Ireland for the time being," and "or other chief governor or governors of Ireland," wherever they occur. |

| Reign and Chapter. | Title. |
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| 3 Geo. 4. c. 79.—*cont.* | Section one, to "of this Act," the words "now and hereafter" and "for the time being" where respectively secondly occurring.<br>Section four, to "this Act."<br>Section six, to "passing of this Act."<br>Section eleven, to "enacted that."<br>Section twelve, to "this Act" and the words "or other chief governor or governors," where lastly occurring, and the words "or they" twice occurring. |
| 3 Geo. 4. c. 114. - | An Act to provide for the more effectual Punishment of certain Offences by Imprisonment with Hard Labour.<br>In part; namely,—<br>To "passing of this Act." |
| 3 Geo. 4. c. 119. - | An Act, the title of which begins with the words "An Act to regulate," and ends with the words "said Provinces."<br>In part; namely,—<br>The words "his heirs or successors," and "his heirs and successors" wherever they occur.<br>Section thirty-one, to "declared that," and the words "from and after the commencement of this Act."<br>Repealed as to all Her Majesty's dominions. |
| 4 Geo. 4. c. 19. - | An Act for further regulating the Reduction of the National Debt.<br>In part; namely,—<br>Preamble.<br>Section eight, to "passing of this Act," and the word "other."<br>Section eleven, to "said Acts," and the word "succeeding."<br>Section twelve, from "from and after," to "twenty-three" (twice occurring), and from "and the same" to "defraying the same."<br>Section thirteen, from "from and after" to "said provisions; and," from "passed in the thirty-ninth" to "and of another Act," from "and the same" to "defraying the same," and the words "after the said fifth day of April." |
| 4 Geo. 4. c. 33. - | An Act, the title of which begins with the words "An Act to make," and ends with the words "in Ireland."<br>In part; namely,—<br>Preamble.<br>The words "from and after the passing of this Act," wherever they occur.<br>Section one, to "passing of this Act."<br>Section four, from "at the time" where those words first occur to "this Act," where those words secondly occur, from "at any time" where those words first occur to "twenty-four," from "being such treasurer" to "of this Act" where those words last occur.<br>Section six, from "at the time" to "of this Act," where those words secondly occur.<br>Section thirteen, the words "of debt, bill, plaint," and from "wherein no essoign," to the end of the section. |

| Reign and Chapter. | Title. |
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| 4 Geo. 4. c. 37. - | An Act, the title of which begins with the words "An Act to amend" and ends with the words "Recognizances estreated."<br>In part; namely,—<br>Preamble.<br>Section one, to "of the same that," the words "any three or more of" and "commissioners of his Majesty's," from "of the United" to "and Ireland," and the words "said commissioners of his Majesty's."<br>Section five, the words "commissioners of his Majesty's" and "said commissioners of his Majesty's." |
| 4 Geo. 4. c. 40. - | An Act to amend several Acts for the Regulation of the Linen and Hempen Manufactures in Scotland. |
| 4 Geo. 4. c. 55. - | An Act to consolidate and amend the several Acts now in force so far as the same relate to the Election and Return of Members to serve in Parliament for Counties of Cities and Counties of Towns in Ireland.<br>In part; namely,—<br>Preamble.<br>Section seventy-one. |
| 4 Geo. 4. c. 60. - | An Act for granting to His Majesty a Sum of Money to be raised by Lotteries.<br>In part; namely,—<br>Section nineteen, the words "commissioners of his Majesty's."<br>Section thirty-seven, to "enacted that."<br>Section sixty-two, the words "his heirs or successors" and the words "from and after the commencement of this Act." |
| 4 Geo. 4. c. 61. - | An Act for the better Administration of Justice in the Court of Chancery in Ireland.<br>In part; namely,—<br>Preamble.<br>Section five, the words "at any time after the commencement of this Act."<br>Section seven, to "passing of this Act," and from "at any time" where those words lastly occur to "Michaelmas term."<br>Section eight, from "on or before" to "be appointed."<br>Section twelve, to "Michaelmas term."<br>Section nineteen, to "enacted that," and the word "that" where last occurring.<br>Section twenty-four, the words "from and after the commencement of this Act."<br>Sections twenty-five to thirty-two.<br>Sections thirty-five to forty.<br>Section forty-two.<br>Section forty-three, to "after the commencement of this Act."<br>Section forty-seven, to "enacted that," and from "that from" to "this Act."<br>Section fifty, to "twenty-three."<br>Section fifty-five, to "this Act" and from "which salaries" to the end of the section. |

| Reign and Chapter. | Title. |
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| 4 Geo. 4. c. 61.—*cont.* | Section fifty-six, the words "from and after the commencement of this Act" (twice occurring) and the words "belonging to or employed in or."<br>Section fifty-eight, to "abolished; and that."<br>Section fifty-nine, to "commencement of this Act," and the words "the governor and company of."<br>Section seventy-two, the words "of debt, bill, plaint," from "in which" to "be allowed," and the words "his heirs and successors." |
| 4 Geo. 4. c. 71. - | An Act the title of which begins with the words "An Act for defraying" and ends with the words "at Bombay."<br>In part; namely,—<br>Title, from "for defraying" to "in India."<br>Preamble.<br>Section three, the words "his heirs and successors."<br>Section five, to "enacted that," and the word "that" before "the expence."<br>Section six, to "enacted that," and the word "that" before "a declaration," and before "in every," and before "unless," and the word "present," and the words "their heirs and successors."<br>Section seven, to "enacted that" and the words "his heirs and successors" twice occurring.<br>Sections twelve and thirteen.<br>Repealed as to all Her Majesty's Dominions. |
| 4 Geo. 4. c. 78. - | An Act the title of which begins with the words "An Act to grant" and ends with the words "in Ireland." |
| 4 Geo. 4. c. 79. - | An Act for building additional Places of Worship in the Highlands and Islands of Scotland.<br>In part; namely,—<br>Preamble.<br>Section three, the words "commissioners of his Majesty's," and from "of the United" to the end of the section. |
| 4 Geo. 4. c. 80. - | An Act the title of which begins with the words "An Act to consolidate" and ends with the words "in India."<br>In part; namely,—<br>Preamble.<br>Section thirty-one, to "enacted that."<br>Repealed as to all Her Majesty's dominions. |
| 4 Geo. 4. c. 97. - | An Act for the Regulation of the Court of the Commissaries of Edinburgh; and for altering and regulating the Jurisdiction of Inferior Commissaries in Scotland.<br>In part; namely,—<br>The whole Act, except sections five and thirteen.<br>Section thirteen, the words "or stewartries," from "after the said" to "twenty-four," and the words "or stewartry," thrice occurring. |

| Reign and Chapter. | Title. |
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| 5 Geo. 4. c. 64. - | An Act to amend the several Acts for the Encouragement and Improvement of the British and Irish Fisheries.<br>In part; namely,—<br>Section nine, the words "or other chief governor or governors of Ireland" and the words "from and after the passing of this Act."<br>Section ten, the words "lord high treasurer or commissioners of His Majesty's" from "of the United" to "three of them," the words "the said lord high treasurer or commissioners of" wherever they occur, and the words "the lord high treasurer or commissioners of" where they last occur. |
| 5 Geo. 4. c. 67. - | An Act for the better Administration of Justice in Newfoundland, and for other Purposes.<br>In part; namely,—<br>Preamble.<br>Section one, to "of the same that."<br>The words "his heirs and successors" wherever they occur in sections two, seventeen, and thirty-five, and the words "or their" in the two last-mentioned sections.<br>Section twenty-one, from "from and" to "this Act" where those words next occur.<br>Repealed as to all Her Majesty's dominions. |
| 5 Geo. 4. c. 74. - | An Act for ascertaining and establishing Uniformity of Weights and Measures.<br>In part; namely,—<br>Section twenty-five, the words "his heirs and successors" occurring twice, and the words "and their." |
| 5 Geo. 4. c. 78. - | An Act the title of which begins with the words "An Act to amend" and ends with the words "in Plymouth."<br>In part; namely,—<br>Title from "and to authorize" to the end of the title. |
| 5 Geo. 4. c. 82. - | An Act for better regulating the Office of Clerk of the Parliaments.<br>In part; namely,—<br>Section two, the words "his heirs and successors." |
| 5 Geo. 4. c. 83. - | An Act for the Punishment of idle and disorderly Persons, and Rogues and Vagabonds, in that part of Great Britain called England.<br>In part; namely,—<br>Preamble.<br>Section nine, the words "his heirs and successors." |
| 5 Geo. 4. c. 84. - | An Act for the Transportation of Offenders from Great Britain.<br>In part; namely,—<br>Preamble.<br>Sections eighteen and nineteen. |

| Reign and Chapter. | Title. |
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| 5 Geo. 4. c. 90. - | An Act to amend an Act for building additional Places of Worship in the Highlands and Islands of Scotland.<br>In part; namely,—<br>Preamble.<br>Section one.<br>Section two, the words "commissioners of His Majesty's" and "of the United Kingdom of Great Britain and Ireland."<br>Section fourteen, the words "his heirs and successors."<br>Section thirty, the words "the said commissioners of," wherever they occur, and the words "or any three or more of them for the time being." |
| 5 Geo. 4. c. 102. - | An Act the title of which begins with the words "An Act to amend" and ends with the words "Dublin Metropolis."<br>In part; namely,—<br>Preamble.<br>Section seven, the words "his heirs and successors."<br>Section nine, to "passing of this Act."<br>Section thirteen, to "passing of this Act."<br>Section fourteen, to "passing of this Act."<br>Section twenty-two, to "passing of this Act."<br>Section twenty-seven, from "or other" to "time being" next occurring. |
| 5 Geo. 4. c. 111. - | An Act the title of which begins with the words "An Act to amend" and ends with the words "within the same."<br>In part; namely,—<br>Title, the words "His heirs and Successors."<br>Preamble.<br>Section one, to "passing of this Act that," and the word "that" before "all such enactments." |
| 5 Geo. 4. c. 113. - | An Act to amend and consolidate the Laws relating to the Abolition of the Slave Trade.<br>In part; namely,—<br>Preamble.<br>Section two, the words "except in such special cases as are herein-after mentioned."<br>Section three, to "permitted" and the words "his heirs and successors."<br>Section four, to "permitted."<br>Section five, to "permitted."<br>Section six, to "permitted."<br>Section seven, to "permitted."<br>Section eight, to "permitted" and the words "his heirs and successors."<br>Section nine, the words "except in such cases as are in and by this Act permitted" occurring twice.<br>Section ten, to "provided for" and the words "otherwise than as aforesaid" occurring twice, and the words "his heirs or successors."<br>Section eleven, to "permitted." |

| Reign and Chapter. | Title |
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| 6 Geo. 4 c. 17. - | An Act the title of which begins with the words "An Act to extend" and ends with the words "and Successors"<br>In part; namely,—<br>Title, the words "his Heirs and Successors."<br>Preamble.<br>Section one, to "of the same that," the words "his heirs or successors" wherever they occur, the words "his heirs and successors," the words "or their" where they first occur, and the word "respectively" where it last occurs.<br>Section three, the words "his heirs or successors" occurring twice. |
| 6 Geo. 4. c. 22. - | An Act the title of which begins with the words "An Act to regulate" and ends with the words "in Scotland."<br>In part; namely,—<br>Preamble.<br>Section one, to "of the same that," and the words "or stewartry."<br>Section two, the words "and stewarts" and "or stewartries."<br>Section three, from "and the stewart" to "Scotland," the words "or stewartry respectively" and "or stewart," and the words "or stewartry" where they last occur.<br>Section four, the words "and stewart" "and stewartry in Scotland" "or stewart," and "or stewartry."<br>Section eight, the words "or stewarts of the stewartries" and "or stewart."<br>Section ten, the words "and stewarts" and "or stewartries."<br>Section eleven, the words "or stewart" wherever they occur, and the words "or stewartry in Scotland."<br>Section twelve, the words "or stewart."<br>Section thirteen, the words "and stewards."<br>Section seventeen, the words "and stewarts."<br>Section twenty-one to "enacted that" and the words "it is hereby provided and declared that" |
| 6 Geo. 4. c. 23. - | An Act for the better Regulation of the Sheriff and Stewart and Burgh Courts of Scotland.<br>In part; namely,—<br>Preamble.<br>Section one, the words "and stewarts" and "or stewarts."<br>Section two, the words "and stewart" and the words "or stewart" occurring twice.<br>Section three, the words "or stewart."<br>Section four, the words "or stewart" and "and stewart."<br>Section six, the words "or stewart."<br>Section seven, the words "and stewart" occurring twice<br>Section eight, the words "or stewart" and "and stewartry."<br>Section ten, the words "and stewarts" and the words "or stewart" occurring twice, and the words "or stewartry." |

| Reign and Chapter. | Title. |
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| 6 Geo. 4. c. 30. - | An Act the title of which begins with the words "An Act to amend" and ends with the words "in Ireland."<br>In part; namely,—<br>Preamble.<br>Section one, to "passing of this Act" and from "Provided always" to the end of the section.<br>Section sixteen, to "enacted that" and the word "said" wherever it occurs.<br>Section eighteen. |
| 6 Geo. 4. c. 42. - | An Act for the better Regulation of Copartnerships of certain Bankers in Ireland.<br>In part; namely,—<br>Preamble.<br>Section two, to "passing of this Act."<br>Section six, the words "after the passing of this Act."<br>Section ten, the words "from and after the passing of this Act."<br>Section fifteen, the words "his heirs and successors" where they secondly occur.<br>Section seventeen, the words "after the passing of this Act."<br>Section twenty-four, the words "of debt bill plaint," and from "in which action" to "allowed," and the words "his heirs and successors." |
| 6 Geo. 4. c. 48. - | An Act the title of which begins with the words "An Act to alter" and ends with the words "in Scotland."<br>In part; namely,—<br>Preamble.<br>Section twenty-seven, the words "from and after the passing of this Act." |
| 6 Geo. 4. c. 50. - | An Act for consolidating and amending the Laws relative to Jurors and Juries.<br>In part; namely,—<br>Preamble.<br>Section one, to "of the same that," and from "nisi" to "delivery."<br>Section twenty-six, the words "or nisi prius."<br>Section thirty-seven, the words "or nisi prius."<br>Section forty, from "or nisi" to "delivery."<br>Section forty-two, from "nisi" where it secondly occurs to "delivery."<br>Section forty-three, from "nisi" to "delivery."<br>Section forty-six, from "nisi" to "delivery," and the words "of debt bill plaint" and "his heirs or successors."<br>Section fifty-five, from "nisi" to "delivery." |
| 6 Geo. 4. c. 62. - | An Act to amend an Act of the Scottish Parliament relative to the Aliment of poor Prisoners.<br>In part; namely,—<br>Preamble.<br>Section one, to "of this Act." |
| 6 Geo. 4. c. 78. - | An Act the title of which begins with the words "An Act to repeal" and ends with the words "lieu thereof."<br>In part; namely,—<br>Preamble.<br>Section two, the words "his heirs or successors," "his heirs and successors," and "or their," wherever they respectively occur. |

| Reign and Chapter. | Title. |
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| 6 Geo. 4. c. 78.—*cont.* | Section three, the words "his heirs and successors," and the words "or their" occurring twice.<br>Section four, the words "or other chief governor or governors of Ireland" wherever they occur, the words "or their," and the words "or other chief governor or governors" where they last occur.<br>Section five, the words "his heirs or successors" occurring twice.<br>Section six, the words "his heirs or successors" occurring twice, and the words "or their."<br>Section seven, the words "his heirs or successors" and the words "or their."<br>Section twenty, the words "his heirs or successors" and the words "or their."<br>Section twenty-four, the words "his heirs and successors."<br>Section twenty-five, the words "his heirs or successors."<br>Section twenty-seven, the words "his heirs and successors" wherever they occur, the words "or their," and the words "his heirs or successors."<br>Section twenty-eight, the words "his heirs and successors."<br>Section thirty-two, from "in which" to "granted," and the words "his heirs and successors."<br>Section thirty-three, the words "his heirs or successors."<br>Section thirty-four, the words "his heirs or successors."<br>Section thirty-six, the words "his heirs or successors." |
| 6 Geo. 4. c. 84. - | An Act the title of which begins with the words "An Act to provide" and ends with the words "respective Offices."<br>In part; namely,—<br>Section four, the words "his heirs and successors." |
| 6 Geo. 4. c. 85. - | An Act the title of which begins with the words "An Act for further" and ends with the words "of Coromandel."<br>In part; namely,—<br>Title except to the word "Calcutta."<br>The whole Act except sections four, five, and fifteen.<br>Section four, from "and that the payment" to the end of the section.<br>Section fifteen, the words "his heirs and successors."<br>Repealed as to all Her Majesty's Dominions. |
| 6 Geo. 4. c. 87. - | An Act the title of which begins with the words "An Act to regulate" and ends with the words "public Purposes."<br>In part; namely,—<br>Preamble.<br>Section one, to "of the same that."<br>Section five, the words "his heirs and successors."<br>Section ten, from "lord high" to "Majesty's," and from "of the United" where those words last occur to "being." |

| Reign and Chapter. | Title. |
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| 6 Geo. 4. c. 87.—*cont.* | Section eleven, from "lord high" to "Majesty's," and the words "for the time being."<br>Section eighteen, from "lord high" to "Majesty's," where that word next occurs, and from "of the United" to "time being."<br>Section twenty-one, the words "of debt bill plaint." |
| 6 Geo. 4. c. 120. | An Act for the better regulating of the Forms of Process in the Courts of Law in Scotland.<br>In part; namely,—<br>Preamble.<br>Section one, to "to come."<br>Section fifty-seven, from "and . . the High" to the end of the section. |
| 7 Geo. 4. c. 8. | An Act the title of which begins with the words "An Act to amend" and ends with the words "Special Jurors."<br>In part; namely,—<br>Preamble.<br>Section one, to "passing of this Act," and the words "or stewartry" occurring twice. |
| 7 Geo. 4. c. 9. | An Act to provide for the more effectual Punishment of certain Offences in Ireland by Imprisonment with Hard Labour.<br>In part; namely,—<br>To "passing of this Act" where those words first occur, and the words "that from and after the passing of this Act." |
| 7 Geo. 4. c. 14. | An Act the title of which begins with the words "An Act for the further" and ends with the words "in Ireland."<br>In part; namely,—<br>Preamble.<br>Section one, to "passing of this Act," the words "or other chief governor or governors of Ireland," and the words "or them."<br>Section three, the words "or other chief governor or governors of Ireland." |
| 7 Geo. 4. c. 16. | An Act to consolidate and amend several Acts relating to the Royal Hospitals for Soldiers at Chelsea and Kilmainham.<br>In part; namely,—<br>Preamble.<br>Section thirty-one, from "of the lord" to "commissioners," and the words "for the time being."<br>Section thirty-three, the words "of debt bill plaint," and from "in which said suit" to "imparlance," and the words "his heirs and successors."<br>Section forty-two, the words "his heirs or successors."<br>Section forty-three, the words "his heirs or successors." |
| 7 Geo. 4. c. 21. | An Act for the better regulating Proceedings on Writs of Mandamus in Ireland.<br>In part; namely,—<br>Preamble.<br>Section one, to "of this Act." |

| Reign and Chapter. | Title. |
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| 7 Geo. 4. c. 32. - | An Act to amend an Act for suppressing or regulating certain Offices therein mentioned so far as relates to the Board of Trade.<br>In part; namely,—<br>To "of the same that," from "lord high" to "Majesty's," and from "of the United" to "time being" where those words next occur. |
| 7 Geo. 4. c. 46. - | An Act the title of which begins with the words "An Act for the better," and ends with the words "to the same."<br>In part; namely,—<br>Preamble, from "And whereas it was."<br>Section one, to "of this Act."<br>Section fifteen, the words "of the said governor and company" where they last occur.<br>Section sixteen, the words "his heirs and successors." |
| 7 Geo. 4. c. 61. - | An Act for the more effectual Administration of Justice in Cities, Towns Corporate, and other local Jurisdictions in Ireland.<br>In part; namely,—<br>Preamble.<br>Section one, to "of the same that," and the words "lords justices or other chief governor or governors" wherever they occur. |
| 7 Geo. 4. c. 63. - | An Act the title of which begins with the words "An Act to provide" and ends with the words "and Wales."<br>In part; namely,—<br>Preamble.<br>Section three, the words "at any time after the passing of this Act."<br>Section four, from "and to direct" to "Act contained."<br>Section eight, from "nisi" where it first occurs to "delivery" where it next occurs, and from "nisi" where it secondly occurs to "delivery."<br>Sections ten to twelve.<br>Sections fourteen to eighteen.<br>Schedule A. |
| 7 Geo. 4. c. 64. - | An Act for improving the Administration of Criminal Justice in England.<br>In part; namely,—<br>Preamble.<br>Section one, to "of the same that."<br>Section twenty-nine, the words "commissioners of His Majesty's." |
| 7 Geo. 4. c. 66. - | An Act the title of which begins with the words "An Act to render" and ends with the words "their Benefices."<br>In part; namely,—<br>Preamble.<br>Section one, to "passing of this Act." |
| 7 & 8 Geo. 4. c. 17. | An Act the title of which begins with the words "An Act to extend" and ends with the word "Distresses."<br>In part; namely,—<br>The words "from and after the passing of this Act." |

| Reign and Chapter. | Title. |
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| 7 & 8 Geo. 4. c. 53 | An Act the title of which begins with the words "An Act to consolidate" and ends with the words "and Ireland."<br>In part; namely,—<br>Preamble.<br>Section one, to "of the same that" and the words "his heirs and successors," and the word "that" before "each of such."<br>Section two, the words "his heirs and successors" occurring twice; the words "the lord high treasurer and commissioners of" and from "the lord high" where those words last occur, to "commissioners of."<br>Section four, the words "the lord high treasurer or any three or more of the commissioners of" and the words "such lord high treasurer or commissioners of" occurring twice.<br>Section six, from "the lord high" to "commissioners of," where those words next occur.<br>Section fourteen, from "the lord high" to "commissioners of."<br>Section sixteen, the words "the lord high treasurer or any three or more of the commissioners of" occurring twice.<br>Section forty-six, the words "the lord high treasurer or the commissioners of" and from "the lord high" to "commissioners of."<br>Section fifty-four, the words "the governor and company of" occurring twice.<br>Section fifty-five, the words "the governor and company of."<br>Section fifty-eight, the words "his heirs or successors."<br>Section fifty-nine, the words "his heirs or successors" wherever they occur.<br>Section seventy-two, from "the lord high" to "commissioners of" where those words next occur.<br>Section ninety-six, the words "his heirs and successors."<br>Section ninety-nine, the words "the lord high treasurer or any three or more of the commissioners of" occurring twice, from "for that purpose" to "or hands," and the words "he or" occurring twice.<br>Section one hundred and one, from "lord high" to "commissioners of the."<br>Section one hundred and three, the words "his heirs and successors."<br>Section one hundred and five, from "the lord high" to "commissioners of."<br>Section one hundred and six, the words "the commissioners of," where they secondly occur and the words "or any three of them."<br>Section one hundred and twelve, from "the lord high" to "the commissioners of," and the words "his heirs and successors," and from "or other revenues" to the end of the section.<br>Section one hundred and twenty-two, from "the lord high" to "commissioners of" where those words next occur, and the words "his heirs and successors" occurring twice. |

| Reign and Chapter. | Title. |
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| 7 & 8 Geo. 4. c. 53. —*cont.* | Section one hundred and twenty-three, the words "his heirs and successors."<br>Section one hundred and twenty-five, the words "his heirs and successors."<br>Section one hundred and twenty-six, the words "his heirs and successors." |
| 7 & 8 Geo. 4. c. 55. | An Act to consolidate the Boards of Stamps in Great Britain and Ireland.<br>In part; namely,—<br>Preamble.<br>Section one, to "of the same that" and the word "that" before "the said duties."<br>Section five, the words "the lord high treasurer or the commissioners of" and from "of the United" to "three of them" and the words "the said lord high treasurer or the commissioners of."<br>Section nine, the words "his heirs or successors."<br>Section ten, the words "the said lord high treasurer or of the commissioners of." |
| 7 & 8 Geo. 4. c. 65. | An Act to explain and remove Doubts touching the Admiralty.<br>In part; namely,—<br>Section four, the words "from and after the passing of this Act." |
| 7 & 8 Geo. 4. c. 71. | An Act to prevent Arrests upon Mesne Process where the Debt or Cause of Action is under Twenty Pounds, and to regulate the Practice of Arrests.<br>In part; namely,—<br>Preamble.<br>Section six, the words "from and after the said first day of August." |
| 7 & 8 Geo. 4. c. 72. | An Act to amend the Acts for building and promoting the building of additional Churches in populous Parishes.<br>In part; namely,—<br>Preamble. |
| 9 Geo. 4. c. 14. - | An Act for rendering a written Memorandum necessary to the Validity of certain Promises and Engagements.<br>In part; namely,—<br>Preamble.<br>Section one, to "of the same that" and the word "that" before "where there shall."<br>Section two. |
| 9 Geo. 4. c. 15. - | An Act to prevent a failure of Justice by reason of Variances between Records and Writings produced in Evidence in support thereof. |
| 9 Geo. 4. c. 16. - | An Act to repeal so much of several Acts as empowers the Commissioners for the Reduction of the National Debt to grant Life Annuities. |
| 9 Geo. 4. c. 23. - | An Act the title of which begins with the words "An Act to enable" and ends with the words "Duties thereon."<br>In part; namely,—<br>Section one, from "from and after" to "twenty-eight." |

| Reign and Chapter. | Title. |
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| 9 Geo. 4. c. 23.—*cont.* | Section seven, the words "his heirs and successors."<br>Section fourteen, the words "his heirs and successors" and the words "of debt bill plaint."<br>Section fifteen, the words "the governor and company of." |
| 9 Geo. 4. c. 24. - | An Act to consolidate and amend the Laws relating to Bills of Exchange and Promissory Notes in Ireland.<br>In part; namely,—<br>Preamble.<br>Section thirteen, from "from and after" to "twenty-eight." |
| 9 Geo. 4. c. 25. - | An Act the title of which begins with the words "An Act to authorize" and ends with the words "Revenue Matters"<br>In part; namely,—<br>Preamble.<br>Section one, to "of the same that." |
| 9 Geo. 4. c. 26. - | An Act to regulate the Office of Keeper of the General Register of Hornings and Inhibitions in Scotland. |
| 9 Geo. 4. c. 29. - | An Act to authorize additional Circuit Courts of Justiciary to be held, and to facilitate Criminal Trials, in Scotland.<br>In part; namely,—<br>Section one, from "from and after" to "Act" where it first occurs.<br>Section three, the words "his heirs and successors" and the words "or their."<br>Section four, the words "his heirs and successors" and the words "his heirs or successors" and the words "or their" occurring twice.<br>Section seven, the words "it is hereby provided that" and from "shall be in the form" to "which execution."<br>Sections eight and nine.<br>Section eleven.<br>Section fourteen, the words "after an interlocutor of relevancy shall have been pronounced."<br>Section twenty-two, to "hereby provided, that."<br>Schedule B. |
| 9 Geo. 4. c. 38. - | An Act the title of which begins with the words "An Act for rectifying" and ends with the words "therein recited."<br>In part; namely,—<br>Preamble.<br>Section one, to "of the same that."<br>Section five, the words "from and after the passing of this Act." |
| 9 Geo. 4. c. 39. - | An Act for the Preservation of the Salmon Fisheries in Scotland.<br>In part; namely,—<br>Preamble.<br>Section one, to "repealed and that."<br>Section seven, the words "from and after the passing of this Act."<br>Section twelve, the word "also." |

| Reign and Chapter | Title |
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| 9 Geo 4. c. 43. - | An Act for the better Regulation of Divisions in the several Counties of England and Wales<br>In part; namely,—<br>Preamble.<br>Section one, to "of the same that" and from "after the Michaelmas" to "this Act," and the word "that" before "every such statement." |
| 9 Geo. 4. c. 47. - | An Act the title of which begins with the words "An Act for regulating" and ends with the words "United Kingdom."<br>In part; namely,—<br>Preamble.<br>Section one, to "twenty-eight," and the word "that" before "such license" and before "every such license." |
| 9 Geo 4. c 61. - | An Act to regulate the granting of Licences to Keepers of Inns, Alehouses, and Victualling Houses in England.<br>In part; namely,—<br>Preamble.<br>Section one, to "of the same that" and the word "that" before "such meetings" and before "it shall."<br>Section four, from "at the general or" to "Act and" and the word "subsequent." |
| 9 Geo. 4. c. 65. - | An Act the title of which begins with the words "An Act to restrain" and ends with the words "or Ireland."<br>In part; namely,—<br>Preamble<br>Section one, to "of the same that" and from "after" to "twenty-nine."<br>Section three, from "lord high" to "Majesty's," the words "or any three or more of them," and from "such lord" to "of." |
| 9 Geo. 4 c. 66 - | An Act for repealing the Laws now in force relating to the Discovery of the Longitude at Sea.<br>In part; namely,—<br>Preamble.<br>Section two, the words "of debt, bill, plaint." |
| 9 Geo. 4. c 74. - | An Act for improving the Administration of Criminal Justice in the East Indies.<br>In part; namely,—<br>The whole Act, except sections one, seven to nine, twenty-five, twenty-six, fifty-six, and one hundred and ten. Also section one, from "shall commence" to "twenty-nine, and."<br>Repealed as to all Her Majesty's dominions.<br>Section one hundred and ten.<br>Repealed as to all Her Majesty's dominions, except so far as in force in the Straits Settlements |
| 9 Geo. 4. c. 80. - | An Act the title of which begins with the words "An Act to enable" and ends with the words "Duties thereon."<br>In part, namely,—<br>Preamble. |

| Reign and Chapter. | Title. |
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| 9 Geo. 4. c. 80.—*cont.* | Section one, to "twenty-eight."<br>Section seven, the words "his heirs and successors."<br>Section thirteen, the words "his heirs and successors" and the words "of debt, bill, plaint."<br>Section fourteen the words "of the governor and company." |
| 9 Geo. 4. c. 81. - | An Act the title of which begins with the words "An Act for making" and ends with the words "are issued."<br>In part; namely,—<br>To "twenty-nine" and the words "of debt, bill, plaint." |
| 9 Geo. 4. c. 82. - | An Act to make provision for the lighting, cleansing, and watching of Cities, Towns Corporate, and Market Towns in Ireland in certain cases.<br>In part; namely,—<br>Preamble.<br>Section two, to "Act" where it first occurs and the words "or other chief governor or governors of Ireland" and the words "of the "lord lieutenant or other chief governor or "governors."<br>Section twelve, the words "or other chief governor or governors"<br>Section eighteen, the words "of debt bill plaint" and from "wherein respectively" to "allowed"<br>Section sixty-nine from "of debt" to "plaint," and from "in which" to the end of the section. |
| 9 Geo 4. c. 83. - | An Act the title of which begins with the words "An Act to provide" and ends with the words "relating thereto."<br>In part; namely,—<br>Preamble.<br>Section one, to "of the same that," and the word "that" before "each of such," and the words "his heirs and successors" wherever they occur.<br>Section seven, the words "his heirs and successors" occurring twice, and the words "or their."<br>Section ten, the words "his heirs and successors," "or them," and "or their."<br>Section sixteen, the words "his heirs and successors" occurring twice.<br>Repealed as to all Her Majesty's dominions. |
| 9 Geo. 4. c. 92. - | An Act to consolidate and amend the Laws relating to Savings Banks.<br>In part; namely,—<br>Preamble.<br>Section fifty-one, the words "lords commissioners of his Majesty's" where they first occur, from "said lords" to "Majesty's," the words "or any three or more of them," the words "under their hands," and the words "the said governor and company of." |

| Reign and Chapter. | Title. |
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| 9 Geo. 4. c. 92.—*cont.* | Section fifty-five, from "lord high" to "Majesty's" where those words respectively first occur, from "of the United" to "Ireland" where it next occurs, the words "lord high treasurer or commissioners of the said," the words "or any three of them," and the words "under their hands."<br>Section fifty-six, the words "the governor and company of" and "the said governor and company of."<br>Section fifty-seven, the words "the governor and company of" wherever they occur.<br>Section fifty-eight, the words "the governor and company of" and the words "the said governor and company of" wherever they occur.<br>Section sixty, the words "the governor and company of."<br>Section sixty-one, from "lord high" to "Majesty's," and from "of the United" to "time being." |
| 9 Geo. 4. c. 94. - | An Act the title of which begins with the words "An Act for rendering," and ends with the words "specified Cases."<br>In part; namely,—<br>Preamble.<br>Section one, to "of the same that" and the words "after the passing of this Act."<br>Section three, the words "his heirs or successors."<br>Section six, the words "his heirs or successors." |
| 10 Geo. 4. c. 7. - | An Act for the Relief of His Majesty's Roman Catholic Subjects.<br>In part; namely,—<br>Section ten, the words "his heirs or successors."<br>Section seventeen, the words "his heirs or successors."<br>Section eighteen, the words "his heirs or successors" and from "or lord" to "governors."<br>Section twenty-three, to "Act."<br>Section twenty-four, the words "after the commencement of this Act."<br>Section twenty-six, the words "after the commencement of this Act."<br>Section twenty-seven.<br>Section twenty-eight, the words "or other chief governor or governors of Ireland." |
| 10 Geo. 4. c. 13. - | An Act to provide for Monies paid into Court under Acts afterwards repealed.<br>In part; namely,—<br>To "of the same that," and the words "or Court of Exchequer as the case may be" occurring twice. |
| 10 Geo. 4. c. 24. - | An Act to enable the Commissioners for the Reduction of the National Debt to grant Life Annuities and Annuities for Terms of Years.<br>In part; namely,—<br>Preamble.<br>Section one, to "of this Act."<br>Section three, from "lords" to "Majesty's," and the words "or any three or more of them." |

| Reign and Chapter. | Title. |
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| 10 Geo. 4. c. 24. —*cont.* | Section nine, the words "of the governor and company."<br>Section ten, the words "governor and company of the" occurring twice.<br>Section fourteen, the words "commissioners of his Majesty's," and the words "or any three or more of them" wherever they occur, and the words "the said commissioners of" wherever they occur.<br>Section fifteen, the words "commissioners of His Majesty's," and the words "any three or more of them."<br>Section twenty-one, the words "commissioners of his Majesty's," "the said commissioners of," "or any three or more of them," "under their hands," and "the said governor and company of."<br>Section twenty-six, the words "the said governor and company of."<br>Section twenty-seven, the words "the governor and company of."<br>Section thirty, the words "the said governor and company of."<br>Section thirty-two, the words "the governor and company of."<br>Section thirty-three, the words "the said governor and company of."<br>Section thirty-four, the words "the said governor and company of."<br>Section thirty-eight, the words "the governor and company of."<br>Section forty, the words "his heirs and successors."<br>Section forty-one, the words, "the governor and company of" and the words "his heirs and successors."<br>Section forty-two, the words "his heirs and successors."<br>Section forty-seven, the words "commissioners of his Majesty's."<br>Section forty-eight, from "lord high" where those words first occur to "Majesty's" and from "said lord" to "commissioners of the" and the words "or any three or more of them" occurring twice, "for the time being" and "of the governor and company." |
| 10 Geo. 4. c. 41. - | An Act to amend the Laws for the Regulation of the Butter Trade in Ireland.<br>In part; namely,—<br>Preamble.<br>Section one, to "of the same that."<br>Section three, from "commissioners" to "Majesty's" where it next occurs, and the words "or any three of them."<br>Section five, the words "commissioners of his Majesty's" and "the said commissioners of."<br>Section six, the words "the commissioners of." |
| 10 Geo. 4. c. 44. - | An Act for improving the Police in and near the Metropolis.<br>In part; namely,—<br>Section ten, from "commissioners" to "Majesty's" and from "of the United" to "Ireland." |

| Reign and Chapter. | Title. |
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| 10 Geo. 4. c. 50. | An Act the title of which begins with the words "An Act to consolidate," and ends with the words "and Alderney."<br>In part; namely,—<br>Section eight, to "Act" where it first occurs, and the words "his heirs or successors" "present" "his Majesty's" "forests and land revenues" "his heirs and successors" and "or their."<br>Section eleven, the words "his Majesty's," "forests and land revenues" and "his heirs or successors," and from "on the fifth" to the end of the section.<br>Section twelve, the words "his Majesty's" where they first occur, and the words "forests and land revenues" and from "lord high" to "Majesty's" and the words "for the time being" occurring twice.<br>Section thirteen, the words "his Majesty's" and "forests and land revenues" respectively occurring twice.<br>Section fourteen, the words "his Majesty's" where they first occur, the words "forests and land revenues" and "his heirs and successors," from "lord high" to "Majesty's," the words "for the time being" occurring twice, and the words "his heirs or successors."<br>Section sixteen, the words "his Majesty's" where they first occur, and the words "forests and land revenues" and from "and when" to the end of the section.<br>Section seventeen, the words "his Majesty's" and "forests and land revenues."<br>Section twenty-two, the words "for the time being" "his Majesty's" and "forests and land revenues."<br>Section twenty-three, the words "for the time being" "his Majesty's" "forests and land revenues" and "his heirs or successors."<br>Section twenty-four, the words "his heirs or successors."<br>Section twenty-seven, the words "his heirs and successors" "for the time being," "his Majesty's" and "forests and land revenues."<br>In sections twenty-eight, thirty, thirty-one, thirty-two, thirty-three, and thirty-four, the words "for the time being," "his Majesty's," and "forests and land revenues."<br>Section thirty-five, the words "his heirs or successors," and the following words wherever they occur: "for the time being," "his Majesty's," and "forests and land revenues."<br>Section thirty-nine, the words "for the time being," "his Majesty's," and "forests and land revenues."<br>Section forty, the words "his Majesty's" and "forests and land revenues."<br>Section forty-two, the following words wherever they occur: "for the time being," "his Majesty's," "forests and land revenues," "his heirs and successors," and "his heirs or successors." |

| Reign and Chapter. | Title. |
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| 10 Geo. 4. c. 50. —*cont.* | Section forty-three, the words "for the time being," "his Majesty's," and "forests and land revenues."<br>Section forty-four, the words "for the time being," "his Majesty's," and "forests and land revenues," and the words "his heirs and successors" occurring twice.<br>Section forty-five, the words "his heirs and successors" and "his heirs or successors" wherever they respectively occur, and from "lord high" to "Majesty's," the words "for the time being," and the words "under his or their hand or hands" where they first occur.<br>Section forty-six, the words "for the time being," "his Majesty's," and "forests and land revenues."<br>Section forty-seven, the words "for the time being," "his Majesty's," "forests and land revenues," and "his heirs or successors."<br>Section forty-eight, the words "for the time being," "his Majesty's," "and forests and land revenues."<br>Section forty-nine, the words "his heirs or successors" occurring twice, the words "his heirs and successors," and the following words occurring twice: "for the time being," "his Majesty's," and "forests and land revenues."<br>Section fifty, the words "for the time being," "his Majesty's," and "forests and land revenues," and the words "his heirs or successors" occurring twice.<br>Section fifty-one, the words "his heirs and successors," and the following words occurring twice: "his Majesty's," "for the time being," and "forests and land revenues."<br>Section fifty-two, the words "his heirs or successors" and "his heirs and successors" wherever they respectively occur, and the following words occurring twice: "for the time being," "his Majesty's," and "forests and land revenues."<br>Section fifty-three, the words "for the time being" where they secondly and thirdly occur, and the words "his Majesty's" and "forests and land revenues" respectively occurring twice.<br>In sections fifty-four, fifty-five, fifty-seven, and fifty-eight, the words "for the time being," "his Majesty's," and "forests and land revenues," wherever they respectively occur.<br>Section sixty, the words "his Majesty's" where they first occur, the words "forests and land revenues," "lord high treasurer or the commissioners of his Majesty's," and "under his or their hand or hands," and from "said lord" to "Majesty's" and the words "for the time being" occurring twice.<br>In sections sixty-one, sixty-two, and sixty-nine, the following words wherever they occur: "for the time being," "his Majesty's," and "forests and land revenues."<br>Section seventy, the words "his heirs or successors" occurring twice, and the words "for |

| Reign and Chapter. | Title. |
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| 10 Geo. 4. c. 50. —*cont.* | the time being," "his Majesty's," and "forests and land revenues."<br>Section seventy-two, the words "his heirs or successors" occurring twice, the words "for the time being," the words, "his Majesty's" where they first occur, and the words "forests and land revenues."<br>Section seventy-three, the words "for the time being," the words "his Majesty's" where they first occur, the words "forests and land revenues," and from "lord high" to "Majesty's," and the words "his heirs or successors."<br>Section seventy-six, to "abolished; and that," and the words "his Majesty's" and "forests and land revenues."<br>Section seventy-seven, the words "for the time being," and the words "his Majesty's" and "forests and land revenues" wherever they respectively occur.<br>Section seventy-eight, the words "his Majesty's" and "forests and land revenues."<br>Section eighty, the words "for the time being," "his Majesty's," and "forests and land revenues."<br>Section eighty-one, the words "his Majesty's," and "forests and land revenues" where they respectively secondly and thirdly occur, and the words "for the time being" occurring twice.<br>Section eighty-two, the words "for the time being," "his Majesty's," and "forests and land revenues."<br>Section eighty-four, the words "his Majesty's," and "forests and land revenues" respectively occurring twice, and the words "for the time being" wherever they occur.<br>Section eighty-five, the words "for the time being" occurring twice, the words "his Majesty's" where they first and last occur, the words "forests and land revenues" occurring twice, and the words "his heirs or successors."<br>Section eighty-six to "enacted, that."<br>Section eighty-nine, the words "for the time being," the words "his Majesty's" where they last occur, and the words "forests and land revenues."<br>Section ninety, the words "for the time being," "his Majesty's," and "forests and land revenues."<br>Section ninety-two, the words "his heirs or successors," "for the time being," "his Majesty's," and "forests and land revenues" wherever they occur.<br>Section ninety-three, the words "for the time being" and "his Majesty's," where they respectively first and thirdly occur, and the words "forests and land revenues" occurring twice, and from "said lord" to "Majesty's" where it next occurs, and the words "his heirs or successors" and "his heirs and successors."<br>Section ninety-four, from "said lord" to "Majesty's" where it next occurs, the words "his heirs and successors," the words "his Majesty's" wherever they occur before the word "woods," |

| Reign and Chapter. | Title. |
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| 10 Geo. 4. c. 50. —*cont.* | and the following words wherever they occur: "for the time being," and "forests and land revenues."<br>Section ninety-five, the words "his Majesty's" where they secondly occur, the words "forests and land revenues," and the words "for the time being" occurring twice.<br>Section ninety-six, the words "his heirs and successors," and the following words respectively occurring twice: "for the time being," "his Majesty's," and "forests and land revenues."<br>Section ninety-seven, the following words respectively occurring twice, "for the time being," "his Majesty's," and "forests and land revenues."<br>Section ninety-eight, the words "his Majesty's" where they first occur, and the words "for the time being," "forests and land revenues," and "his heirs or successors."<br>Section ninety-nine, the words "his Majesty's" and "forests and land revenues."<br>Section one hundred, the words "from and after the passing of this Act," the words "his Majesty's" where they first occur, and the words "forests and land revenues."<br>Section one hundred and six, the words "his Majesty's," where they last occur, and the words "forests and land revenues for the time being."<br>In sections one hundred and seven and one hundred and eight, the words "his Majesty's," and "forests and land revenues."<br>Section one hundred and nine, the words "for the time being," the words "his Majesty's" where they first and thirdly occur, the words "forests and land revenues" occurring twice, the words "lord high treasurer or of the commissioners of his Majesty's," the words "the governor and company of," and from "said lord" to "Majesty's."<br>Section one hundred and ten, the words "the governor and company of," "his Majesty's," and "forests and land revenues."<br>Section one hundred and eleven, from "lord high" to "Majesty's" where it next occurs, and the words "for the time being," "his Majesty's," and "forests and land revenues."<br>Section one hundred and twelve, from "said lord" to "Majesty's," the words "him or" and from "under the hand" to "time being and," and the words "the said governor and company of."<br>Section one hundred and seventeen, the words "for the time being," "his Majesty's," and "forests and land revenues."<br>Section one hundred and eighteen, the words "for the time being," "his Majesty's," and "forests and land revenues" wherever they respectively occur.<br>Section one hundred and nineteen, the words "his Majesty's" and "forests and land revenues" respectively occurring twice.<br>Section one hundred and twenty, the words "his Majesty's" and "forests and land revenues." |

| Reign and Chapter. | Title. |
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| 10 Geo. 4. c. 50. —*cont.* | Section one hundred and twenty-two, to "company of," and the words "his Majesty's" and "forests and land revenues" respectively occurring twice.<br>Section one hundred and twenty-three, the words "his Majesty's" and "forests and land revenues," wherever they respectively occur, and the words "the governor and company of" and "for the time being."<br>Section one hundred and twenty-four, the words "for the time being" and "his Majesty's," where they respectively secondly occur, and the words "forests and land revenues," "the governor and company of" and "the said governor and company of."<br>Section one hundred and twenty-five, the words "for the time being," "his Majesty's," and "forests and land revenues," and from "within thirty" where those words first occur to "and also" where those words first occur, and the word "following."<br>Section one hundred and twenty-six, from "or of an Act passed in the forty-seventh" to "amend the said last-mentioned Act."<br>Section one hundred and twenty-seven, the words "his heirs and successors" and "his heirs or successors."<br>Section one hundred and twenty-nine, from "or any" where those words secondly occur to "thereto."<br>Section one hundred and thirty, the words "his heirs and successors."<br>Section one hundred and thirty-four, the words "his heirs or successors"<br>Section one hundred and thirty-five, the words "his heirs or successors." |
| 10 Geo 4. c 53. - | An Act the title of which begins with the words "An Act to regulate" and ends with the words "in England."<br>In part; namely,—<br>Preamble.<br>Section one to "of the same that"<br>Section ten, the words "from and after the passing of this Act."<br>Section eleven, the words "from and after the passing of this Act."<br>Section twelve, the words "after the passing of this Act." |
| 10 Geo. 4 c. 62 - | An Act to exclude Persons accepting Offices in the East Indies from being Members of the House of Commons. |
| 11 Geo 4. & 1 Will. 4. c. 22. | An Act the title of which begins with the words "An Act for appropriating" and ends with the words "Lunatic Asylum."<br>In part; namely,—<br>Preamble.<br>Section two, to "Act" where it first occurs.<br>Section five, to "Act" where it first occurs. |

| Reign and Chapter. | Title. |
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| 11 Geo. 4. & 1 Will. 4. c. 26. | An Act the title of which begins with the words "An Act to authorize" and ends with the word "Annuities."<br>In part; namely,—<br>Preamble. |
| 11 Geo. 4. & 1 Will. 4. c. 36. | An Act for altering and amending the Law regarding Commitments by Courts of Equity for Contempts, and the taking Bills pro Confesso.<br>In part; namely,—<br>Preamble.<br>Section fifteen, rule seven, from "on the thirtieth" to "following day," and the words "to be named by the Court," and rule eight. |
| 11 Geo. 4. & 1 Will. 4 c. 41. | An Act to make further Regulations with respect to Army Pensions.<br>In part; namely,—<br>Preamble.<br>Section five, from "with respect" where those words first occur to "pay" where it first occurs, and from "with respect" where those words thirdly occur to "pay" where it next occurs, and the words "or pay" occurring twice. |
| 11 Geo. 4. & 1 Will. 4. c. 43. | An Act the title of which begins with the words "An Act to abolish" and ends with the words "the Crown."<br>In part; namely,—<br>Preamble.<br>Section one, to "of the same that" and the words "of his late Majesty, or" and "has possessed or enjoyed or."<br>Section two, the words "commissioners of his Majesty's" and "for the time being."<br>Section three. |
| 11 Geo. 4. & 1 Will. 4. c. 51. | An Act the title of which begins with the words "An Act to repeal" and ends with the words "relation thereto."<br>In part; namely,—<br>Preamble.<br>Section twenty-three, from "from and after" to "thirty." |
| 11 Geo. 4. & 1 Will. 4. c. 56. | An Act the title of which begins with the words "An Act to amend" and ends with the words "in Ireland."<br>In part; namely,—<br>To "this Act," and from "or other chief" to "time being." |
| 11 Geo. 4. & 1 Will. 4. c. 64. | An Act to permit the general Sale of Beer and Cyder by Retail in England.<br>In part; namely,—<br>Section one, from "from and after" to "thirty."<br>Section thirty, from "from and after" to "thirty." |
| 11 Geo. 4. & 1 Will. 4. c. 66. | An Act the title of which begins with the words "An Act for reducing" and ends with the words "to Forgery."<br>In part; namely,—<br>Title from "for reducing" to "and" and the word "otherwise." |

| Reign and Chapter. | Title. |
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| 11 Geo. 4. & 1 Will. 4. c. 69. | An Act the title of which begins with the words "An Act for uniting" and ends with the words "of Scotland."<br>In part; namely,—<br>Preamble.<br>Section one, to "Act."<br>Section two, to "union."<br>Section three, to "as aforesaid."<br>Section ten, the words "his heirs and successors."<br>Section fourteen, from "and it is hereby" to the end of the section.<br>Section sixteen, from "all rules" to "provided that."<br>Section eighteen to "interest in" and the words "that office" and from "and . . . the salary" to "shall cease."<br>Section nineteen, from "and for obliging" to "the oaths."<br>Section thirty-one.<br>Section forty-four. |
| 11 Geo. 4. & 1 Will. 4. c. 70. | An Act for the more effectual Administration of Justice in England and Wales.<br>In part; namely,—<br>Section thirty-one. |
| 1 Will. 4. c. 3. | An Act the title of which begins with the words "An Act to amend" and ends with the words "certain Cases."<br>In part; namely,—<br>Title, from "to amend" to "thereof; and."<br>Preamble. |
| 1 Will. 4. c. 13. | An Act the title of which begins with the words "An Act to amend" and ends with the words "Lunatic Asylum."<br>In part; namely,—<br>Preamble.<br>Section one to "passing of this Act," and the word "that" before "notwithstanding" and before "the care" and before "all rights." |
| 1 Will. 4. c. 18. | An Act the title of which begins with the words "An Act to explain" and ends with the words "of Tenements."<br>In part; namely,—<br>Preamble.<br>Section one, to "this Act." |
| 1 & 2 Will. 4. c. 17. | An Act the title of which begins with the words "An Act to provide" and ends with the words "Towns therein"<br>In part; namely,—<br>Section three, the words "or other chief governor or governors of Ireland" occurring twice.<br>Section eighteen, the words "or other chief governor or governors of Ireland" wherever they occur, and the words "or they." |
| 1 & 2 Will. 4. c. 21. | An Act the title of which begins with the words "An Act to explain" and ends with the words "Land Tax."<br>In part; namely,—<br>Preamble. |

| Reign and Chapter. | Title. |
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| 1 & 2 Will. 4. c. 21.—*cont.* | Section one to "passing of this Act," the words "lords commissioners of his Majesty's," the words "for the time being," the words "the said lords commissioners of," the words "the said commissioners of," and the words "his heirs and successors."<br>Section two, the words "the said lords commissioners of" occurring twice. |
| 1 & 2 Will 4. c. 22. | An Act the title of which begins with the words "An Act to amend" and ends with the words "of Stamps."<br>In part; namely,—<br>Title, from "and to place" to end of title.<br>Preamble. |
| 1 & 2 Will. 4. c. 31. | An Act to improve the Administration of Justice in Ireland.<br>In part; namely,—<br>Preamble.<br>Section one, to "of the same that," and the word "that" before "in case." |
| 1 & 2 Will. 4. c. 33. | An Act for the Extension and Promotion of Public Works in Ireland.<br>In part; namely,—<br>Preamble.<br>Section six, the words "commissioners of his Majesty's" occurring twice, and the words "for the time being."<br>Section eight.<br>Section twelve, the words "commissioners of his Majesty's" and "said commissioners of his Majesty's" and from "or other" to "Ireland."<br>Section thirteen, from "or other" to "Ireland," the words "commissioners of his Majesty's" and "lords commissioners of his Majesty's," and the words "for the time being," occurring twice.<br>Section sixteen, the words "lords commissioners of his Majesty's."<br>Section seventeen, the words "lords commissioners of his Majesty's."<br>Section eighteen, from "or other" to the end of the section.<br>Section nineteen, the words "commissioners of his Majesty's" wherever they occur, the words "such commissioners of," and the words "for the time being."<br>Section twenty-five, the words "commissioners of his Majesty's."<br>Section forty-one, the words "commissioners of his Majesty's."<br>Section fifty-one, the words "commissioners of his Majesty's" and the words "for the time being."<br>Section sixty-three, the words "commissioners of his Majesty's," occurring twice.<br>Section sixty-four, the words "commissioners of his Majesty's."<br>Section sixty-five, the words "commissioners of his Majesty's," and the words "under the hands of the said commissioners."<br>Section sixty-seven, the words "lords commissioners of his Majesty's" |

| Reign and Chapter. | Title. |
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| 1 & 2 Will. 4. c. 33.—*cont.* | Section eighty-two, from "or other" to "of Ireland," and the words "or their."<br>Section eighty-five, the words "commissioners of his Majesty's."<br>Section ninety-five, the words "his heirs or successors."<br>Section ninety-seven, the words "commissioners of his Majesty's" where they first occur, the words "said commissioners of his Majesty's" wherever they occur, the words "for the time being" wherever they occur, and the words "under their hands."<br>Section ninety-eight, the words "said commissioners of his Majesty's" wherever they occur, and the words "for the time being" wherever they occur after "Treasury."<br>Section ninety-nine, the words "commissioners of his Majesty's" where they first occur, the words "for the time being," and the words "said commissioners of his Majesty's," occurring twice.<br>Section one hundred, the words "commissioners of his Majesty's."<br>Section one hundred and one.<br>Section one hundred and three.<br>Section one hundred and six, the words "or other chief governor or governors of Ireland," occurring twice, the words "and were," and from "and by an Act" to "thirty," where it next occurs, and from "from and after" to "execution" where it next occurs, the words "and are" and from "provided always" to the end of the section.<br>Section one hundred and twelve. |
| 1 & 2 Will. 4. c. 37. | An Act the title of which begins with the words "An Act to prohibit" and ends with the words "the Realm."<br>In part; namely,—<br>Section eight, the words "of the governor and company." |
| 1 & 2 Will. 4. c. 44. | An Act the title of which begins with the words "An Act to amend" and ends with the words "therein mentioned."<br>In part; namely,—<br>Preamble.<br>Section four, to "Act."<br>Section eight, to "enacted that."<br>Section nine, the words "of debt, bill, plaint" and from "in which no" to the end of the section. |
| 1 & 2 Will. 4. c. 57. | An Act to empower Landed Proprietors in Ireland to sink, embank, and remove Obstructions in Rivers. |
| 1 & 2 Will. 4. c. 59. | An Act the title of which begins with the words "An Act to enable," and ends with the words "is situated."<br>In part; namely,—<br>Preamble.<br>Section one, to "of the same that," from "lord high" to "Majesty's," and from "of the United" to "time being," and the words "under his or their hand or hands." |

| Reign and Chapter | Title. |
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| 2 & 3 Will. 4 c. 1. | An Act the title of which begins with the words "An Act for uniting" and ends with the words "Land Revenues."<br>In part; namely,—<br>Preamble.<br>The words "lord high treasurer or the commissioners of his Majesty's" and "for the time being or any three or more of them," wherever they respectively occur.<br>The words "for the time being, or any three of them" in sections sixteen to eighteen.<br>Section one, to "of the same that," from "his heirs" to "and so," the words "his Majesty's" where they first, thirdly, and sixthly occur before "woods," and the words "forests and land revenues" where they first, secondly, and thirdly occur.<br>Section seven, the words "and his successors," "His Majesty's" where secondly occurring, and "forests and land revenues."<br>Section eight, the words "his Majesty's," and "forests and land revenues," except where they respectively first occur, and "aforesaid," twice occurring.<br>Section nine, the words "his Majesty's" wherever they occur before "woods," and the words "forests and land revenues" wherever they occur.<br>Section ten, the words "his Majesty's" where they secondly and fourthly occur, and the words "forests and land revenues" where they first and thirdly occur.<br>Section fifteen, the words "he or" and "is and."<br>Section seventeen, from "lord high" where first occurring to "Majesty's" where first occurring.<br>Section eighteen, from "lord high" where those words secondly occur, to "his Majesty's."<br>Section twenty-one, the words "his Majesty's" and "forests and land revenues."<br>Section twenty-two, from "lord high" to "Majesty's," where that word first occurs, and the words "or any three or more of them."<br>Section twenty-nine, from "lord high" to "Majesty's," and the words "for the time being." |
| 2 & 3 Will. 4. c. 32 | An Act for the Erection of a Nisi Prius Court House in Dublin. |
| 2 & 3 Will. 4. c. 33. | An Act to effectuate the Service of Process from the Courts of Chancery and Exchequer in England and Ireland respectively. |
| 2 & 3 Will. 4. c. 45. | An Act to amend the Representation of the People in England and Wales.<br>In part; namely,—<br>Section three, from "and shall as such" to "incorporated herewith"<br>Section four, from "and shall as such" to "incorporated herewith."<br>Section seven.<br>Section nine.<br>Section ten, to "herewith; and." |

| Reign and Chapter. | Title. |
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| 2 & 3 Will. 4. c. 45.—*cont.* | Section eleven, to "and (D.); and," and from "Provided also that in case" to the end of the section.<br>In section twenty-five, the words "or as such tenant and occupier as aforesaid," and in section twenty-six, the words "or as such occupier and tenant as aforesaid," except in so far as relates to the rights of persons saved by the Representation of the People Act, 1884.<br>Section thirty-two, the words "not included in the Schedule marked (A) to this Act annexed."<br>Section thirty-three.<br>Section sixty-one.<br>Schedule (A).<br>Schedule (C).<br>Schedule (D), except as to Chatham, Whitehaven, and Merthyr Tydvil. |
| 2 & 3 Will. 4. c. 47. | An Act for holding the Assizes for the County of Norfolk, and for the City of Norwich and County of the same City, Twice in every Year at Norwich. |
| 2 & 3 Will. 4. c. 59 | The Government Annuities Act, 1832.<br>In part; namely,—<br>Preamble.<br>The words "the governor and company of," "the said governor and company of," and "commissioners of his Majesty's," wherever they occur, except in sections fifteen and eighteen.<br>Section two, to "Gazette."<br>Section six, the words "after the passing of this Act."<br>Section eleven, to "company of" where those words secondly occur.<br>Section twelve, from "commencing on" to "thirty-two," the words "the commissioners of," where secondly occurring, "the said commissioners of" "or any three or more of them," and "under their hands."<br>Section fifteen, to "enacted that," the words "the governor and company of" except where they occur next after the part first repealed, and the words "or any three or more of them for the time being."<br>Section eighteen, the words "the commissioners of" and "the said commissioners of."<br>Section nineteen, the words "his heirs and successors."<br>Section twenty, from "lord high" where first occurring, to "Majesty's," the words "or any three or more of them," twice occurring, "for the time being," and from "the said lord" to "commissioners of." |
| 2 & 3 Will. 4. c. 64. | An Act the title of which begins with the words "An Act to settle" and ends with the words "in Parliament."<br>In part; namely,—<br>Section twenty-six, the words "and divisions," "and of that division, riding, or parts," "or divisions, ridings, or parts," and "or division, riding, or parts."<br>Section twenty-seven. |

| Reign and Chapter. | Title. |
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| 2 & 3 Will. 4. c. 64.—*cont.* | Section twenty-eight.<br>Section thirty-five, to "declared that."<br>Schedule (M), so much of the fourth column as relates to the divisions of the counties to which the isolated parts mentioned in the second column are to belong. |
| 2 & 3 Will. 4 c. 65. | An Act to amend the Representation of the People in Scotland.<br>In part; namely,—<br>Section forty-two, the words "after the passing of this Act."<br>Section forty-four.<br>Section forty-six, from the word "sheriff" to "stewart clerk depute; and," and the words "or stewart." |
| 2 & 3 Will. 4. c. 71. | An Act for shortening the Time of Prescription in certain Cases.<br>In part; namely,—<br>Preamble.<br>Section one to "of the same that."<br>The words "his heirs or successors" in sections one and two. |
| 2 & 3 Will. 4. c. 81. | An Act to enable His Majesty to carry into effect a Convention made between His said Majesty and the Emperor of all the Russias.<br>In part; namely,—<br>Preamble.<br>Section one, to "of the same that."<br>The words "the lord high treasurer or commissioners of" and "or any three or more of them." |
| 2 & 3 Will. 4. c. 87. | An Act to regulate the Office for registering Deeds, Conveyances, and Wills in Ireland.<br>In part; namely,—<br>Preamble.<br>Section two, from "lord high" to "his Majesty's" and the words "or any three or more of them."<br>Section three, from "lord high" to "Majesty's" and the words "of the United Kingdom of Great Britain and Ireland."<br>Section four, from "said lord" to "Majesty's."<br>Section eight, the words "from and after the said thirty-first day of December."<br>Section fourteen, to "enacted that."<br>Section twenty-eight, the words "or other chief governor or governors of Ireland," twice occurring.<br>Section thirty-five, the words "or any three or more of them." |
| 2 & 3 Will. 4. c. 88. | An Act to amend the Representation of the People of Ireland.<br>In part; namely,—<br>Section sixty-seven, the words "or other chief governor or governors" twice occurring, and the words "or they" and "or their."<br>Section sixty-eight, from "or other" to "of Ireland." |

| Reign and Chapter. | Title. |
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| 2 & 3 Will. 4. c. 89. | An Act the title of which begins with the words "An Act to settle and describe the Limits," and ends with the words "in Parliament"<br>In part; namely,—<br>Preamble.<br>Section one, to "of the same that."<br>Schedule, so far as it relates to Cashel and Sligo. |
| 2 & 3 Will 4. c. 92. | An Act for transferring the Powers of the High Court of Delegates, both in Ecclesiastical and Maritime Causes, to His Majesty in Council.<br>In part; namely,—<br>Preamble.<br>The words "his heirs or successors," "her heirs or successors," and "his heirs and successors" wherever they occur. |
| 2 & 3 Will. 4 c. 93. | An Act for enforcing the Process upon Contempts in the Courts Ecclesiastical of England and Ireland.<br>In part; namely,—<br>Preamble.<br>Section one, to "of the same that."<br>The words "the governor or company of" in sections two and three. |
| 2 & 3 Will. 4. c. 100. | An Act for shortening the Time required in Claims of Modus decimandi, or Exemption from or Discharge of Tithes.<br>In part; namely,—<br>Preamble.<br>Section one to "of the same that" and the words "his heirs or successors." |
| 2 & 3 Will. 4. c. 103. | An Act to provide for the Examination and Audit of the Customs and Excise Revenues in Scotland.<br>In part; namely,—<br>Preamble.<br>Section three, to "thirty-two."<br>Section four, to "October."<br>Section five, the words "his heirs or successors." |
| 2 & 3 Will. 4 c. 105. | An Act the title of which begins with the words "An Act for the" and ends with the words "the Crown."<br>In part; namely,—<br>Section one, from "at the receipt" to "October in every year." |
| 2 & 3 Will. 4. c. 108. | An Act for amending the Laws in Ireland relative to the Appointment of Special Constables, and for the better Preservation of the Peace.<br>In part; namely,—<br>Preamble.<br>Section one, to "of the same that."<br>The words "or other chief governor or governors of Ireland" in sections one, two, three, and nine, and the words "or they" in section three. |
| 2 & 3 Will. 4. c. 111. | An Act . . . to make provision for the Lord High Chancellor on his Retirement from Office.<br>In part; namely,—<br>Section three, to "enacted that" the words "his heirs and successors" twice occurring, from "at the four usual" to "of the said office," and the words "or they" and "his heirs or successors" |

| Reign and Chapter. | Title. |
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| 2 & 3 Will. 4. c. 112. | An Act the title of which begins with the words "An Act to authorize," and ends with the words "Land Revenues."<br>In part; namely,—<br>Preamble.<br>Section one, to "of the same that," from "lord high" to "Majesty's," where first occurring, from "of the United" to "or more of them," the words "he and," "is and," "under his or their hand or hands," "his heirs or successors" (thrice occurring), and "his heirs and successors." |
| 2 & 3 Will. 4. c. 115. | An Act the title of which begins with the words "An Act for the," and ends with the words "Catholic Religion."<br>In part; namely,—<br>Preamble.<br>Section one, to "this Act." |
| 2 & 3 Will. 4. c. 116. | An Act to provide for the Salaries of certain High and Judicial Officers, and of Payments heretofore made out of the Civil List Revenues.<br>In part; namely,—<br>Preamble.<br>Section one, to "of the same that."<br>The words "his heirs and successors" wherever they occur.<br>Section three, the words "general and general governor," "for the time being," and from "at the four" to the end of the section.<br>Section twelve, from "at the four" to the end of the section. |
| 2 & 3 Will. 4. c. 120. | An Act the title of which begins with the words "An Act to repeal," and ends with the words "relating thereto."<br>In part; namely,—<br>Preamble.<br>Section one hundred and two, the words "of debt, bill, plaint," and from "wherein no" to "shall be allowed."<br>Section one hundred and seventeen, from "that the term and expression" to "and successors." |
| 3 & 4 Will. 4. c. 13. | An Act the title of which begins with the words "An Act to provide," and ends with the words "of Taxes."<br>In part; namely,—<br>Preamble.<br>Section one, to "passing of this Act," where those words first occur, from "lord high" to "his Majesty's," and the words "of the United Kingdom, for the time being."<br>Section two, the words "said commissioners of his Majesty's" (twice occurring) "or any three of them," and "to be made and signed by them."<br>Section four, to "this Act" and the word "stewartries."<br>Section six, from "said lord" to "his Majesty's" where first occurring, and the words "lord high "treasurer or any three or more of the commis- "sioners of his Majesty's." |

| Reign and Chapter | Title. |
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| 3 & 4 Will. 4. c. 22. | An Act to amend the Laws relating to Sewers.<br>In part; namely,—<br>Preamble.<br>Section one, to "of the same that."<br>Section four, from "of debt" to "plaint, suit," and from "wherein no" to "be allowed."<br>Section twelve, to "enacted that."<br>Section thirteen, to "enacted that."<br>Section eighteen, to "enacted that." |
| 3 & 4 Will. 4. c. 24. | The Government Annuities Act, 1833.<br>In part; namely,—<br>Preamble.<br>Section one, to "from and after the passing of this Act."<br>The words "the governor and company of" wherever they occur in sections three and four |
| 3 & 4 Will. 4. c. 41. | An Act for the better Administration of Justice in His Majesty's Privy Council.<br>In part; namely,—<br>Preamble.<br>Section one, to "of the same that." |
| 3 & 4 Will. 4. c. 46. | An Act to enable Burghs in Scotland to establish a general System of Police. |
| 3 & 4 Will. 4. c. 69. | An Act the title of which begins with the words "An Act to extend" and ends with the words "in Scotland."<br>In part; namely,—<br>Preamble.<br>The words "his heirs or successors" wherever they occur; and the words "his heirs and successors" wherever they occur.<br>Section seven, the words "or them."<br>The words "the governor and company of" in sections twelve and thirteen.<br>Section twelve, from "lord high" where first occurring to "Majesty's" next occurring, and from "said lord" to "Majesty's."<br>Section fourteen, from "lord high" to "Majesty's" (next occurring), and the words "for the time being."<br>Section fifteen, from "said lord" where first occurring, to "Majesty's," the words "him or," from "under the hand" to "time being and," and the words "the said governor and company of." |
| 3 & 4 Will. 4. c. 71. | An Act for the Appointment of convenient Places for the holding of Assizes in England and Wales.<br>In part; namely,—<br>Preamble.<br>Section two, from "and sessions," where those words first occur, to "criminal business," where those words first occur; the words "and sessions for the despatch of criminal and civil business," and the words "and sessions under such commissions." |

| Reign and Chapter. | Title. |
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| 3 & 4 Will. 4. c. 74. | An Act for the Abolition of Fines and Recoveries, and for the Substitution of more simple Modes of Assurance.<br>In part; namely,—<br>The words "his heirs and successors" in sections fifteen, nineteen, sixty-eight, and seventy-two. |
| 3 & 4 Will. 4. c. 78. | An Act to amend the Laws relating to Grand Juries in Ireland.<br>In part; namely,—<br>Section eighty-seven, from "lord high" to "Majesty's," and the words "or any three of them." |
| 3 & 4 Will. 4. c. 82. | An Act to allow the People called Separatists to make a solemn Affirmation and Declaration instead of an Oath. |
| 3 & 4 Will. 4. c. 85. | An Act for effecting an Arrangement with the East India Company, and for the better Government of His Majesty's Indian Territories, till the Thirtieth Day of April, One thousand eight hundred and fifty-four.<br>In part; namely,—<br>Preamble.<br>Section one, to "thirty-four" where first occurring; the word "that" before "all the," the word "said" before "twenty-second," and the words "his heirs and successors."<br>Section nineteen.<br>Section forty-eight, from "that all laws and" to "assembled and."<br>Section sixty-four.<br>Section sixty-nine.<br>Section seventy-four, from "countersigned" to "commissioners," and from "provided that" to the end of the section.<br>Section seventy-five, from "provided that" to the end of the section.<br>Sections eighty-one to eighty-three.<br>Section eighty-five.<br>Section eighty-nine to "enacted, that."<br>Section ninety-five.<br>Section one hundred and twelve, the words "his heirs and successors."<br>Repealed as to all Her Majesty's dominions. |
| 3 & 4 Will. 4. c. 86. | An Act to provide for the Payment of certain ancient Grants and Allowances formerly paid out of the Civil List Revenues.<br>In part; namely,—<br>To "of the same that," the words "commissioners of his Majesty's," from "of the United" where those words secondly occur, to "more of them," from "the said charge" to "and thirty-two," and the words "the commissioners of" where they lastly occur. |
| 3 & 4 Will. 4. c. 90. | An Act the title of which begins with the words "An Act to repeal" and ends with the words "lieu thereof."<br>In part; namely,—<br>Section four, to "enacted that."<br>Section fifty, the words "of debt, or on the case, or by bill, plaint," and from "wherein no" to "be allowed." |

| Reign and Chapter. | Title. |
|---|---|
| 3 & 4 Will. 4. c. 98. | An Act the title of which begins with the words "An Act for giving" and ends with the words "certain conditions."<br>In part; namely,—<br>Preamble.<br>Section one, to "company of."<br>The words "the governor and company of" and "the said governor and company of" wherever they occur in sections three and four.<br>Section six, the words "the governor and company of" where they first occur. |
| 3 & 4 Will. 4. c. 99. | An Act the title of which begins with the words "An Act for facilitating" and ends with the words "of Exchequer."<br>In part; namely,—<br>Preamble.<br>Section twelve, to "October next," and the words "forests and land revenue."<br>Section thirteen, from "lord high" to "Majesty's," and the words "he and" and "under his or their hands."<br>Section twenty-three, from "lord high" to "of his Majesty's."<br>Section twenty-four, from "lord high" to "Majesty's."<br>Section twenty-five, from "lord high" to "Majesty's."<br>Section twenty-six, the words "commissioners of his Majesty's."<br>Section twenty-eight, from "lord high" to "Majesty's," and the words "under his or their hands."<br>Section twenty-nine, the words "commissioners of his Majesty's."<br>Section thirty-one, the words "commissioners of his Majesty's."<br>Section thirty-three, from "lord high" to "Majesty's" both twice occurring, and the words "he or" "under his or their hands" and "said."<br>Section thirty-five, from "lord high" to "Majesty's" and the words "under his or their hand."<br>Section thirty-nine, the words "his heirs and successors."<br>Section forty-seven, from "lord high" to "of his Majesty's." |
| 4 & 5 Will. 4. c. 24. | An Act the title of which begins with the words "An Act to alter" and ends with the words "Majesty's service."<br>In part; namely,—<br>The words "commissioners of his Majesty's" wherever they occur.<br>Section eighteen, the words "or any three or more of them."<br>Section twenty-one, the words "the commissioners of."<br>Section twenty-eight, the words "the commissioners of" where secondly occurring. |

| Reign and Chapter | Title |
|---|---|
| 4 & 5 Will. 4. c. 30. | An Act to facilitate the Exchange of Lands lying in Common Fields.<br>In part; namely,—<br>Preamble.<br>Section one, to "passing of this Act."<br>Section twenty-six, the words "his heirs and successors." |
| 4 & 5 Will. 4 c. 36. | The Central Criminal Court Act, 1834.<br>In part; namely,—<br>Preamble.<br>Section one, to "of the same that."<br>The words "his heirs and successors" and "and his heirs and successors" in sections one, two, and twenty-one.<br>Section five, to "enacted that" and the word "that" before "when and so." |
| 4 & 5 Will 4. c. 51. | An Act to amend the Laws relating to the Collection and Management of the Revenue of Excise.<br>In part; namely,—<br>Preamble.<br>Section one, to "of the same that."<br>Section thirteen, the words "the lord high treasurer or commissioners of" and "the said lord high treasurer or commissioners of."<br>Section fourteen, the words "commissioners of his Majesty's."<br>Section twenty, to "enacted that".<br>Section twenty-four, to "enacted that."<br>Section twenty-nine, from "the lord" to "the commissioners of," and the words "his heirs and successors."<br>Section thirty, to "enacted that" and from "the word or words" to "printed; and when." |
| 4 & 5 Will. 4. c. 61. | An Act for the more effectually providing for the Erection of certain Bridges in Ireland.<br>In part; namely,—<br>The words "or other chief governor or governors of Ireland" and "or other chief governor or governors" wherever they occur.<br>The words "or they" in sections two (where first occurring), four, and nine.<br>Section four, the words "or their"<br>Section eight, the words "lords commissioners of his Majesty's" and "for the time being" where last occurring. |
| 4 & 5 Will. 4. c. 82. | An Act to amend an Act of the Second Year of His present Majesty, to effectuate the Service of Process issuing from the Courts of Chancery and Exchequer in England and Ireland. |
| 4 & 5 Will. 4. c 92. | An Act for the Abolition of Fines and Recoveries, and for the Substitution of more simple Modes of Assurance, in Ireland.<br>In part; namely,—<br>The words "his heirs and successors" in sections twelve and sixteen. |

| Reign and Chapter. | Title |
|---|---|
| 5 & 6 Will. 4. c. 20. | An Act to consolidate certain Offices in the Collection of the Revenues of Stamps and Taxes, and to amend the Laws relating thereto.<br>In part; namely,—<br>Preamble.<br>The words "commissioners of his Majesty's" and "said commissioners of his Majesty's" wherever they occur.<br>Section eight, the words "his heirs or successors" and "the commissioners of" where lastly occurring. |
| 5 & 6 Will. 4. c. 26. | An Act for the Appointment of convenient Places for the holding of Assizes in Ireland.<br>In part; namely,—<br>Preamble.<br>The words "or other chief governor or governors of Ireland" and "or other chief governor or governors" wherever they occur.<br>Section two, from "and sessions" to next following "business" where those words respectively thrice occur.<br>Section three, the word "there."<br>Section four, the words "and sessions as aforesaid." |
| 5 & 6 Will. 4. c. 27. | An Act to continue and amend certain Regulations for the Linen and Hempen Manufactures in Ireland.<br>In part; namely,—<br>Preamble.<br>Section one, to "of this Act."<br>Section eleven, to "enacted that" and the word "such" where first occurring.<br>Section fourteen, from "or other chief" to next following "time being" wherever those words respectively occur, and the words "and are" and "or they."<br>Section seventeen, the words "or other chief governor or governors of Ireland" wherever they occur, and the words "or their" and "for the time being."<br>Section thirty-six, the words "bill, plaint, or" and from "wherein no" to "be allowed." |
| 5 & 6 Will. 4. c. 35. | An Act the title of which begins with the words "An Act for consolidating" and ends with the words "the Ordnance."<br>In part; namely,—<br>Preamble<br>Section one, to "passing of this Act" the words "his heirs and successors," from "the lord" to "commissioners of," and from "of the United" to "more of them."<br>Section three, from "lord high" to "Majesty's," and from "for the time" to the end of the section.<br>Section four, from "the lord" to "commissioners of," and from "for the time" to "more of them."<br>Section seven, the words "his heirs or successors." |

| Reign and Chapter. | Title. |
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| 5 & 6 Will. 4. c. 35.—*cont.* | Section ten, to "enacted that" from "the lord" first occurring, to "commissioners of," where those words next occur, from "for the time" to "more of them" where those words first occur, the words "he and," "he or," "the governor and company of," from "lord high" secondly occurring, to "Majesty's," and the words "or any three or more of them" secondly occurring<br>Section eleven, the words "the commissioners of." |
| 5 & 6 Will. 4. c. 42. | An Act the title of which begins with the words "An Act to authorize" and ends with the words "Insolvent Debtors."<br>In part; namely,—<br>Preamble.<br>Section one, to "passing of this Act" and the words "commissioners of his Majesty's" and "under the hands of any three or more of them." |
| 5 & 6 Will. 4. c. 52. | An Act the title of which begins with the words "An Act to authorize" and ends with the words "of Agra."<br>In part; namely,—<br>Preamble.<br>Section one.<br>Section two, from "and from time to time" to the end of the section.<br>Repealed as to all Her Majesty's dominions. |
| 5 & 6 Will. 4. c. 55. | An Act the title of which begins with the words "An Act for facilitating" and ends with the words "Great Britain"<br>In part; namely,—<br>Preamble.<br>Section one to "of this Act."<br>Section two, the words "or other chief governor or governors of Ireland" (twice occurring), "or signatures," and "or other chief governor or governors."<br>Section twelve, from "lord high" to next following "Majesty's," the words "he or," the words "under their hands" from "lord treasurer" to next following "Majesty's," and the words "or other chief governor or governors of Ireland."<br>Section fourteen, from "lord high" to "Majesty's," and the words "under his or their hand or hands."<br>Section thirty-nine, from "lord high" to next following "Majesty's," where those words respectively twice occur, and the words "he and," "he or," and "said" before "lord." |
| 5 & 6 Will. 4. c 58. | An Act to amend the Acts relating to the Hereditary Land Revenues of the Crown in Scotland.<br>In part; namely,—<br>Preamble.<br>Section one to "of the same that" the words "his heirs and successors," from "lord high" where first occurring, to "Majesty's," from "or any" to "time being," where first occurring, and the words "the lord high treasurer or the commissioners of," and the words "for the time being" where they secondly occur. |

| Reign and Chapter. | Title. |
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| 5 & 6 Will. 4. c. 58.—*cont.* | Section three, to "enacted that" the words "his heirs and successors" and "his heirs or successors" wherever they occur, the words "or they," from "lord high" to "Majesty's," from "for the time" to "more of them," and the words "under his or their hand or hands."<br>Section five, the words "from and after the passing of this Act." |
| 5 & 6 Will. 4. c. 62. | The Statutory Declarations Act, 1835.<br>In part; namely,—<br>Section two, the words "lords commissioners of his Majesty's" twice occurring, and the words "or any three of them."<br>Section three, the words "said" and "or any three of them."<br>Section four, the words "lords commissioners of his Majesty's."<br>Section nine, to "enacted that."<br>Section thirteen, to "this Act."<br>Section fifteen, to "this Act."<br>Section seventeen, the words "his heirs and successors" twice occurring, "and their" and "or their."<br>Repealed as to all Her Majesty's dominions. |
| 5 & 6 Will. 4. c. 65. | An Act for preventing the Publication of Lectures without Consent.<br>In part; namely,—<br>Preamble.<br>Section one, to "thirty-five," the word "that," and the words "his heirs or successors." |
| 5 & 6 Will. 4. c. 69. | An Act the title of which begins with the words "An Act to facilitate" and ends with the words "and Wales."<br>In part; namely,—<br>Preamble.<br>Section one, to "of the same that," the words "the King's Majesty's" "forests and land revenues," from "lord high" to "Majesty's," and the words "or any three or more of them." |
| 6 & 7 Will. 4. c. 13. | An Act to consolidate the Laws relating to the Constabulary Force in Ireland.<br>In part; namely,—<br>Preamble.<br>The words "or other chief governor or governors of Ireland" and "or other chief governor or governors" wherever they occur.<br>Section five, the words "or their" and "or they."<br>Section six, to "enacted that," from "the lord high" to "commissioners of," and the words "or any three or more of them."<br>Section ten, the words "or they."<br>Section eleven, the words "or them" twice occurring.<br>Section sixteen, the words "his heirs and successors" and from "or commission" to "gaol delivery."<br>Section twenty-four, the words "for the time being." |

| Reign and Chapter. | Title. |
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| 6 & 7 Will. 4. c. 13.—*cont.* | Section thirty-one, the words "or their" thrice occurring.<br>Section thirty-five, from "lord high" where first occurring, to "Majesty's," from "or any three" where first occurring, to "time being," the words "he or," from "the said lord" to "commissioners of," and the words "or any three or more of them" lastly occurring.<br>Section thirty-seven, from "the lords" to "commissioners of," and the words "or any three or more of them."<br>Section thirty-eight, the words "or any three or more of them" wherever they occur, from "the said lord" where secondly occurring, to "commissioners of" where next occurring, and from "the lord high" where lastly occurring to "commissioners of."<br>Section thirty-nine, from "lord high" to "Majesty's," and the words "or any three or more of them."<br>Section forty, the words "or any three or more of them" and "the said commissioners of."<br>Section forty-one, the words "the governor and company of."<br>Section forty-nine, the words "the said lords commissioners of." |
| 6 & 7 Will. 4. c. 19. | An Act for separating the Palatine Jurisdiction of the County Palatine of Durham from the Bishoprick of Durham.<br>In part; namely,—<br>Section one, to "of this Act" where first occurring; the words "his heirs and successors" twice occurring, and "that" before "all forfeitures."<br>The words "and his successors" in sections one and three. |
| 6 & 7 Will. 4. c. 28. | An Act the title of which begins with the words "An Act to enable" and ends with the words "Stamps and Taxes."<br>In part; namely,—<br>Preamble.<br>The words "commissioners of his Majesty's" and "the governor and company of" wherever they occur.<br>Section one, to "passing of this Act," the word "said" before "commissioners," and the words "or any three or more of them" twice occurring.<br>Section thirteen, from "the said" to "company of." |
| 6 & 7 Will. 4. c. 29. | An Act for improving the Police in the District of Dublin Metropolis.<br>In part; namely,—<br>Preamble.<br>The words "or other chief governor or governors of Ireland" wherever they occur.<br>Section one, to "of the same that," the words "of the Lord Lieutenant" "or other chief governor or governors" and "or they." |

| Reign and Chapter. | Title. |
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| 6 & 7 Will. 4. c. 29.—*cont.* | Section four, the words "of the lord lieutenant."<br>Section ten, from "the lord" to "commissioners of" where first occurring, the words "or any three or more of them" twice occurring, and from "the said lord" to "commissioners of" where secondly occurring.<br>Section eleven, from "the said lord" to next following "commissioners of" where those words respectively twice occur, and the words "of the lord lieutenant"<br>Section twelve, the words "of the lord lieutenant."<br>Section thirteen, the words "the governor and company of."<br>Section sixteen, the words "of the lord lieutenant," from "the said lord" to "commissioners of," and the words "or any three or more of them."<br>Section twenty-one, the words "of the lord lieutenant" and "his."<br>Section forty-two, to "enacted that." |
| 6 & 7 Will. 4. c. 36. | An Act the title of which begins with the words "An Act to amend" and ends with the words "Force in Ireland."<br>In part; namely,—<br>Preamble.<br>Section two, the words "or other chief governor or governors." |
| 6 & 7 Will. 4. c. 71 | An Act for the Commutation of Tithes in England and Wales.<br>In part; namely,—<br>Sections seventeen to twenty-eight.<br>Section twenty-nine, from "and that in case" to "had been made."<br>Sections thirty-two to fifty-five.<br>Section fifty-seven, from "at the prices" to "this Act," and the words "so ascertained"<br>Section fifty-eight, to "recoverable; and."<br>Sections fifty-nine to sixty-one, sixty-three, and sixty-five.<br>Section sixty-seven, from "the first payment" to "as aforesaid."<br>Sections seventy-nine, eighty-eight, and eighty-nine.<br>Provided that this repeal shall not extend to any tithes which have not been commuted. |
| 6 & 7 Will. 4. c. 74. | An Act the title of which begins with the words "An Act to abolish" and ends with the words "Duties thereof."<br>In part; namely,—<br>Preamble.<br>Section two, the words "his heirs and successors," "and their," and "or of any of his heirs and successors" |
| 6 & 7 Will 4. c. 77. | An Act the title of which begins with the words "An Act for carrying" and ends with the words "and Patronage."<br>In part; namely,—<br>Section seven, from "lord high" to "Majesty's," and the words "or any three or more of them." |

| Reign and Chapter. | Title. |
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| 6 & 7 Will. 4. c. 86. | An Act for registering Births, Deaths, and Marriages in England.<br>In part; namely,—<br>Preamble.<br>Section thirty-nine, the words "the lords commissioners of." |
| 6 & 7 Will. 4. c. 87. | An Act for extinguishing the Secular Jurisdiction of the Archbishop of York and the Bishop of Ely in certain Liberties in the Counties of York, Nottingham, and Cambridge.<br>In part namely,—<br>Preamble.<br>The words "his heirs and successors" wherever they occur.<br>Sections one, four, and nineteen. |
| 6 & 7 Will. 4. c. 106. | An Act the title of which begins with the words "An Act to make" and ends with the words "said Stannaries."<br>In part; namely,—<br>Preamble.<br>Section one, to "present vice warden," and from "and his successors" to "time being" where those words next occur.<br>Section two, from "and his successors" to "time being" next following.<br>Section twenty-two, the words "his heirs and "successors, King or Queen regnant of England "for the time being" where they twice occur.<br>Section twenty-five, to "enacted that," and the word "that" before "if any" and before "the successor."<br>Section forty, to "enacted that," and the word "that" before "all and." |
| 6 & 7 Will. 4. c. 107. | An Act the title of which begins with the words "An Act to extend" and ends with the words "England and Wales."<br>In part; namely,—<br>Preamble, from "And whereas."<br>Section one, the words "lords commissioners of his Majesty's" twice occurring, and "or of any three or more of them" twice occurring. |
| 6 & 7 Will. 4. c. 108. | An Act the title of which begins with the words "An Act to amend" and ends with the words "in Ireland."<br>In part; namely,—<br>Preamble.<br>The words "the lords commissioners of," "the said lords commissioners of" wherever they occur in sections three, five, and fifteen.<br>Section four to "enacted that."<br>The words "lords commissioners of his Majesty's" wherever they occur in sections six, ten, eleven, twelve, sixteen, and seventeen.<br>Section seventeen, the words "the said lords commissioners of" where first occurring, and the word "said" where lastly occurring. |

| Reign and Chapter. | Title. |
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| 6 & 7 Will. 4. c. 110. | An Act the title of which begins with the words "An Act to repeal" and ends with the words "in Dublin."<br>In part; namely,—<br>Preamble.<br>Section two, from "lord high" to "Majesty's" where first occurring, the words "or any three or more of them" twice occurring, and "commissioners of his Majesty's" where secondly occurring.<br>Section three, from "said lord" to "Majesty's" and the words "him or." |
| 6 & 7 Will. 4. c. 115. | An Act for facilitating the Inclosure of Open and Arable Fields in England and Wales.<br>In part; namely,—<br>Preamble.<br>Section one, to "of this Act."<br>The words "his heirs and successors" wherever they occur in sections fifty-seven and fifty-nine. |
| 6 & 7 Will. 4. c. 116. | An Act to consolidate and amend the Laws relating to the Presentment of Public Money by Grand Juries in Ireland.<br>In part; namely,—<br>Preamble.<br>Section one, to "commencement of this Act."<br>The words "of Ireland" wherever they occur in sections thirty-nine to forty-one, sixty-one, eighty-four, ninety, ninety-one, ninety-three, one hundred and seventy-six, and one hundred and seventy-nine.<br>The words "lords commissioners of His Majesty's" and "or any three or more of them," wherever they occur in sections sixty-two and one hundred and one.<br>The words "or other chief governor or governors" wherever they occur in sections sixty-one, ninety, one hundred and seventy-six, one hundred and seventy-seven, and one hundred and seventy-nine.<br>Section three, from "the word 'lord'" to "being; and."<br>Section four, to "this Act" where first occurring.<br>Section eight, from "after the passing" to "first assizes."<br>Section twenty-four, the words "his heirs and successors."<br>Section thirty-eight, to "this Act."<br>Section forty-five, the words "now appointed, or."<br>Section forty-six, the words "after the passing of this Act."<br>Section forty-seven, the words "from and after the commencement of this Act."<br>Section sixty-one, the words "for the time being."<br>Section eighty-one, the words "or dispensary" wherever they occur, the words "in case of a fever hospital," "and in the case of a dispensary, a sum equal to the amount," "if appointed after the passing of this Act," and the words "dispensary or" occurring twice. |

| Reign and Chapter. | Title. |
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| 6 & 7 Will. 4. c. 116.—*cont.* | Section eighty-four, the words "the lords commissioners of."<br>Section eighty-six, from "nor unless such" to "of such infirmary."<br>Section ninety, from "lords" to "Majesty's."<br>Section one hundred and seventy-eight, the words "from and after the passing of this Act," from "lord" to "Majesty's," and the words "or any three of them." |

## SECOND SCHEDULE.

| Reign and Chapter. | Title. |
|---|---|
| 3 Geo. 4. c. 126. - | An Act to amend the General Laws now in being for regulating Turnpike Roads in that Part of Great Britain called England.<br>In part; namely,—<br>The whole Act, except such provisions as are applied to disturnpiked roads by the Annual Turnpike Acts Continuance Acts, 1865 and 1870. |
| 4 Geo. 4. c. 16. - | An Act to explain so much of the General Turnpike Act as relates to the Toll payable on Carriages laden with Lime for the Improvement of Land. |
| 4 Geo. 4. c. 95. - | An Act the title of which begins with the words "An Act to explain" and ends with the words "called England." |
| 5 Geo. 4. c. 69. - | An Act to enable Justices of the Peace for Ridings, Divisions, or Sokes to act as Trustees for repairing and maintaining Turnpike Roads. |
| 7 & 8 Geo. 4. c. 24. | An Act to amend the Acts for regulating Turnpike Roads in England. |
| 9 Geo. 4. c. 77. - | An Act to amend the Acts for regulating Turnpike Roads. |
| 1 & 2 Will. 4. c. 25. | An Act to amend the Acts for regulating Turnpike Roads in England, so far as they relate to certain Exemptions from Toll. |
| 2 & 3 Will. 4. c. 124. | An Act to explain certain Provisions in Local Acts of Parliament relating to Double Toll on Turnpike Roads. |
| 3 & 4 Will. 4. c. 80. | An Act requiring the Annual Statements of Trustees or Commissioners of Turnpike Roads to be transmitted to the Secretary of State, and afterwards laid before Parliament. |

| Reign and Chapter. | Title. |
|---|---|
| 4 & 5 Will. 4. c. 81. | An Act the title of which begins with the words "An Act to amend" and ends with the words "with Springs." |
| 5 & 6 Will. 4. c. 18. | An Act to exempt Carriages carrying Manure from Toll. |

# CHAPTER 34.

## An Act to prevent the Spread of Infectious Disease.

[4th August 1890.]

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Short title.

1. This Act may be cited as the Infectious Disease (Prevention) Act, 1890.

Definitions.

2. Expressions used in this Act shall, unless the context otherwise requires, have the same meaning as the like expressions used in the Infectious Disease (Notification) Act, 1889; and the provisions of this Act shall apply to the infectious diseases specifically mentioned in that Act, and may be applied to any other infectious disease in the same manner as that Act may be applied to such disease.

In this Act—

"Dairy" shall include any farm, farmhouse, cowshed, milk-store milk-shop, or other place from which milk is supplied, or in which milk is kept for purposes of sale:

"Dairyman" shall include any cowkeeper, purveyor of milk, or occupier of a dairy:

"Medical officer of health" shall include any person duly authorised to act temporarily as medical officer of health:

"Local authority" shall include the Local Board of Woolwich, and the parish of Woolwich shall be deemed to be a London district.

Extent of Act.

3. The provisions of this Act shall extend—

(*a.*) to every London district after the expiration of four months from the passing of this Act; and

(*b.*) to any urban or rural sanitary district after the adoption thereof;

and the local authority of any urban or rural sanitary district may adopt all or any of the sections of this Act by a resolution passed at a meeting of such authority. Fourteen clear days at least before such meeting special notice of the meeting, and of the intention to propose such resolution, shall be given to every

member of the local authority, and the notice shall be deemed to have been duly given to a member if it is either—

(*a.*) given in the mode in which notices to attend meetings of the local authority are usually given; or

(*b.*) where there is no such mode, then signed by the clerk of the local authority and delivered to the member or left at his usual or last known place of abode in England, or forwarded by post in a prepaid letter addressed to the member at his usual or last known place of abode in England.

Every such resolution shall be published by advertisement in a local newspaper, and by handbills, and otherwise in such manner as the local authority think sufficient for giving notice thereof to all persons interested, and shall come into operation at such time, not less than one month after the first publication of the advertisement of the resolution, as the local authority may fix; and upon its coming into operation such of the sections of this Act as are mentioned in such resolution shall extend to the district.

A copy of the resolution shall be sent to the Local Government Board when it is published.

A copy of the advertisement shall be conclusive evidence of the resolution having been passed, unless the contrary be shown; and no objection to the effect of the resolution, on the ground that notice of the intention to propose the same was not duly given, or on the ground that the resolution was not sufficiently published, shall be made after three months from the date of the first advertisement.

Inspection of dairies in certain cases: power to prohibit supply of milk.

4. In case the medical officer of health is in possession of evidence that any person in the district is suffering from infectious disease attributable to milk supplied within the district from any dairy situate within or without the district, or that the consumption of milk from such dairy is likely to cause infectious disease to any person residing in the district, such medical officer shall, if authorised in that behalf by an order of a justice having jurisdiction in the place where such dairy is situate, have power to inspect such dairy, and if accompanied by a veterinary inspector or some other properly qualified veterinary surgeon to inspect the animals therein, and if on such inspection the medical officer of health shall be of opinion that infectious disease is caused from consumption of the milk supplied therefrom, he shall report thereon to the local authority, and his report shall be accompanied by any report furnished to him by the said veterinary inspector or veterinary surgeon, and the local authority may thereupon give notice to the dairyman to appear before them within such time, not less than twenty-four hours, as may be specified in the notice, to show cause why an order should not be made requiring him not to supply any milk therefrom within the district until such order has been withdrawn by the local authority, and if, in the opinion of the local authority, he fails to show such cause, then the local authority may make such order as aforesaid; and the local authority shall forthwith give notice of the facts to the sanitary authority and county council (if any) of the district or county in which such

dairy is situate, and also to the Local Government Board. An order made by a local authority in pursuance of this section shall be forthwith withdrawn on the local authority or the medical officer of health on its behalf being satisfied that the milk supply has been changed, or that the cause of the infection has been removed. Any person refusing to permit the medical officer of health on the production of such order as aforesaid to inspect any dairy, or if so accompanied as aforesaid to inspect the animals kept there, or after any such order not to supply milk as aforesaid has been given, supplying any milk within the district in contravention of such order, or selling it for consumption therein, shall be deemed guilty of an offence against this Act. Provided always, that proceedings in respect of such offence shall be taken before the justices of the peace having jurisdiction in the place where the said dairy is situate. Provided also, that no dairyman shall be liable to an action for breach of contract if the breach be due to an order from the local authority under this Act.

Cleansing and disinfecting of premises, &c. 29 & 30 Vict. c. 90. 38 & 39 Vict. c. 55.

5. Section twenty-two of the Sanitary Act, 1866, so far as it relates to any London district, and section one hundred and twenty of the Public Health Act, 1875, so far as it applies to any urban or rural sanitary district in which this section is adopted, shall be repealed, and the following provisions shall be in force instead thereof, viz.:

(1.) Where the medical officer of health of any local authority, or any other registered medical practitioner, certifies that the cleansing and disinfecting of any house, or part thereof, and of any articles therein likely to retain infection, would tend to prevent or check infectious disease, the clerk to the local authority shall give notice in writing to the owner or occupier of such house or part thereof that the same and any such articles therein will be cleansed and disinfected by the local authority at the cost of such owner or occupier, unless he informs the local authority within twenty-four hours from the receipt of the notice that he will cleanse and disinfect the house or part thereof and any such articles therein to the satisfaction of the medical officer of health, within a time fixed in the notice.

(2.) If, within twenty-four hours from the receipt of the notice the person to whom the notice is given does not inform the local authority as aforesaid, or if, having so informed the local authority, he fails to have the house or part thereof and any such articles disinfected as aforesaid within the time fixed in the notice, the house or part thereof and articles shall be cleansed and disinfected by the officers of the local authority under the superintendence of the medical officer of health, and the expenses incurred may be recovered from the owner or occupier in a summary manner.

(3.) Provided that where the owner or occupier of any such house or part thereof is unable in the opinion of the local authority, or of their medical officer of health, effectually to cleanse and disinfect such house or part thereof, and any

article therein likely to retain infection, the same may without any such notice being given as aforesaid, but with the consent of such owner or occupier, be cleansed and disinfected by the officers of and at the cost of the local authority.

Disinfection of bedding, &c.

**6.** Any local authority, or the medical officer of health of any local authority generally empowered by the authority in that behalf, may by notice in writing require the owner of any bedding, clothing, or other articles which have been exposed to the infection of any infectious disease to cause the same to be delivered over to an officer of the local authority for removal for the purpose of disinfection; and any person who fails to comply with such a requirement shall be liable to a penalty not exceeding ten pounds.

The bedding, clothing, and articles shall be disinfected by the authority, and shall be brought back and delivered to the owner free of charge, and if any of them suffer any unnecessary damage the authority shall compensate the owner for the same and the amount of compensation shall be recoverable in, and in case of dispute shall be settled by, a court of summary jurisdiction.

Penalty on persons ceasing to occupy houses without previous disinfection or giving notice to owner, or persons making false answers.

**7.** Every person who shall cease to occupy any house, room, or part of a house in which any person has within six weeks previously been suffering from any infectious disease without having such house, room, or part of a house, and all articles therein liable to retain infection, disinfected to the satisfaction of a registered medical practitioner, as testified by a certificate signed by him, or without first giving to the owner of such house, room, or part of a house, notice of the previous existence of such disease, and every person ceasing to occupy any house, room, or part of a house, and who on being questioned by the owner thereof, or by any person negotiating for the hire of such house, room, or part of a house as to the fact of there having within six weeks previously been therein any person suffering from any infectious disease knowingly makes a false answer to such question shall be liable to a penalty not exceeding ten pounds.

Prohibiting retention of dead bodies in certain cases.

**8.** No person without the sanction in writing of the medical officer of health or of a registered medical practitioner, shall retain unburied elsewhere than in a public mortuary or in a room not used at the time as a dwelling-place, sleeping-place, or workroom, for more than forty-eight hours, the body of any person who has died of any infectious disease.

Bodies of persons dying of infectious diseases in hospital, &c., to be removed only for burial.

**9.** If any person shall die from any infectious disease in any hospital or place of temporary accommodation for the sick, and the medical officer of health, or any other registered medical practitioner, certifies that in his opinion it is desirable, in order to prevent the risk of communicating any infectious disease or of spreading infection, that the body shall not be removed from such hospital or place except for the purpose of being forthwith buried, it shall not be lawful for any person or persons to remove such body from such hospital or place except for the last-mentioned purpose; and when the body is taken out of such hospital for that purpose it shall be forthwith carried or taken direct to some cemetery or place of

burial, and shall be forthwith there buried; and any person wilfully offending against this section shall be liable to a penalty not exceeding ten pounds. Nothing in this Act shall prevent the removal of any dead body from any hospital or temporary place of accommodation for the sick to any mortuary, and such mortuary shall, for the purposes of this section, be deemed part of such hospital or place as aforesaid.

Justices may in certain cases order dead bodies to be buried.

**10.** Where the body of any person who has died from any infectious disease remains unburied elsewhere than in a mortuary or in a room not used at the time as a dwelling-place, sleeping-place, or workroom, for more than forty-eight hours after death without the sanction of the medical officer of health or of a registered medical practitioner, or where the dead body of any person is retained in any house or building so as to endanger the health of the inmates of such house or building, or of any adjoining or neighbouring house or building, any justice may, on the application of the medical officer of health, order the body to be removed at the cost of the local authority to any available mortuary, and direct the same to be buried within a time to be limited in the order; and any justice may, in the case of the body of any person who has died of any infectious disease, or in any case in which he shall consider immediate burial necessary, direct the body to be so buried. Unless the friends or relatives of the deceased undertake to bury and do bury the body within the time limited by such order, it shall be the duty of the relieving officer of the relief district from which the body has been removed to the mortuary, or in which the body shall be, if it has not been so removed, to bury such body, and any expense so incurred may be charged by the relieving officer in his accounts, and may be recovered by the board of guardians in a summary manner from any person legally liable to pay the expenses of such burial.

Disinfection of public conveyances if used for carrying corpses.

**11.** Any person who hires or uses a public conveyance other than a hearse for the conveyance of the body of a person who has died from any infectious disease, without previously notifying to the owner or driver of such public conveyance that the person whose body is or is intended to be so conveyed has died from infectious disease, and after any such notification as aforesaid, any owner or driver of a public conveyance, other than a hearse, which has been used for conveying the body of a person who has died from infectious disease, who shall not immediately afterwards provide for the disinfection of such conveyance, shall be guilty of an offence under this Act.

Detention of infected person without proper lodging in hospital by order of justice.

**12.** Any justice of the peace acting in and for the district of the local authority, upon proper cause shown to him, may make an order directing the detention in hospital at the cost of the local authority of any person suffering from any infectious disease, who is then in an hospital for infectious disease and would not on leaving such hospital be provided with lodging or accommodation in which proper precautions could be taken to prevent the spreading of the disorder by such person. Any order so to be made by any such justice may be limited to some specific time, but with full

power to any justice to enlarge such time as often as may appear to him to be necessary. It shall be lawful for any officer of the local authority or inspector of police acting in the district, or for any officer of the hospital, on any such order being made to take all necessary measures and do all necessary acts for enforcing the execution thereof.

Infectious rubbish thrown into ashpits, &c., to be disinfected.

**13.** Any person who shall knowingly cast, or cause or permit to be cast, into any ash-pit, ash-tub, or other receptacle for the deposit of refuse matter any infectious rubbish without previous disinfection, shall be guilty of an offence under this Act.

Notice of certain provisions.

**14.** Where sections seven and thirteen of this Act, or either of them, are in force in any district, the local authority shall give notice of the provisions thereof to the occupier of any house in which they are aware that there is a person suffering from an infectious disease.

Temporary shelter, &c.

**15.** The local authority shall from time to time provide, free of charge, temporary shelter or house accommodation with any necessary attendants for the members of any family in which any infectious disease has appeared, who have been compelled to leave their dwellings for the purpose of enabling such dwellings to be disinfected by the local authority.

Penalties

**16.** Every person who shall wilfully obstruct any duly authorised officer of the local authority in carrying out the provisions of this Act, or who shall obstruct the carrying out of an order made by a justice under this Act, or who shall offend against any enactment of this Act for the time being in force in any district by which no penalty is specifically imposed, shall be liable to a penalty not exceeding five pounds, and if the offence is a continuing one, to a daily penalty not exceeding forty shillings a day so long as the offence continues.

Power of entry for purposes of s. 5.

**17.** For the purpose of carrying into effect the provisions of section five of this Act the local authority may, by any officer appointed in that behalf, who shall produce his authority in writing, enter on any premises between the hours of ten o'clock of the forenoon and six o'clock of the afternoon

Recovery and application of penalties.

**18.** Every penalty imposed by this Act shall be recoverable in a court of summary jurisdiction on the information or complaint of the local authority, or of their duly authorised officer, but not otherwise, and shall be paid to the local authority.

Superseding in certain cases of provisions in local Acts.

**19.** Where a provision of this Act is put in force in any district in which there is any similar provision in force contained in any local Act, such last-mentioned provision shall cease to be in operation.

Expenses.

**20.** Any expenses incurred by a local authority in the execution of any of the provisions of this Act, including the reasonable remuneration of any veterinary inspector or surgeon employed under section four, shall be paid as part of the expenses of such authority in the execution of the Acts relating to public health, and in the case of a rural authority shall be general expenses.

Power of local authority to rescind adoption of Act.

**21.** Any resolution adopting all or any of the sections of this Act may be rescinded, either wholly or as regards any of the adopted sections, by resolution of the local authority, but notice of the meeting at which such resolution is to be proposed, and of the intention to propose the same, shall be given, and such resolution shall be published, and shall come into operation, in like manner and at such time as is herein-before provided with respect to resolutions adopting this Act, and a copy of the resolution shall be sent to the Local Government Board when it is published.

On the resolution coming into effect the sections of this Act, the adoption of which is thereby rescinded, shall cease to extend to the district.

The provisions herein-before contained, as to evidence of and objections to the effect of a resolution adopting this Act, shall apply to any resolution rescinding such adoption.

Extent of Act.

**22.** This Act shall not apply to Scotland.

Application of Act to Ireland. 52 & 53 Vict. c. 72.

**23.** This Act shall apply to Ireland, with the same modifications as are made in the Infectious Disease (Notification) Act, 1889, for the purpose of its application to Ireland, and with the following additional modifications:—

In this Act, unless the context otherwise requires—

The expression "Her Majesty's Privy Council" means the Lord Lieutenant acting by the advice of Her Majesty's Privy Council in Ireland:

The expression "inspector of police" includes a member of the Royal Irish Constabulary Force and a member of the Dublin Metropolitan Police.

The reference to section one hundred and twenty of the Public Health Act, 1875, shall be taken to be a reference to section one hundred and thirty-seven of the Public Health (Ireland) Act, 1878.

41 & 42 Vict. c. 52.

Saving for Acts relating to dairies, animals, &c.

**24.** Nothing in or done under this Act, shall interfere with the operation or effect of the Contagious Diseases (Animals) Acts, 1878 to 1886, or of any order, licence, or act of Her Majesty's Privy Council or the Local Government Board made, granted, or done, or to be made, granted, or done, thereunder; or of any order, regulation, licence, or act of a local authority made, granted, or done under any such order of the Privy Council or the Local Government Board; or exempt any dairy, or building, or thing whatsoever, or any body or person from the provisions of any general Act relating to dairies, milk, or animals, already passed, or to be passed in this or any future session of Parliament.

# CHAPTER 35.

## An Act to amend the Boiler Explosions Act, 1882.

[4th August 1890.]

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

**Short title**

1. This Act may be cited as the Boiler Explosions Act, 1890, and this Act and the Boiler Explosions Act, 1882, may be cited together as the Boiler Explosions Acts, 1882 and 1890.

**Amendment of 45 & 46 Vict. c. 22.**

2. So much of section four of the Boiler Explosions Act, 1882, as relates to any boiler other than a boiler used in the service of Her Majesty, or used exclusively for domestic purposes, is hereby repealed, and the said Act shall apply in the case of any boiler explosion occurring on board a British ship.

**Notice as to explosion at sea.**

3. In the case of an explosion occurring at sea, the notice required by section five of the Boiler Explosions Act, 1882, shall be sent by the owner or master of the ship, and shall be sent within twenty-four hours after the occurrence of the explosion, or as soon thereafter as possible, but this provision shall not apply where a report of the explosion has been duly sent in pursuance of section three hundred and twenty-six of the Merchant Shipping Act, 1854. **17 & 18 Vict. c. 104.**

**Provision for witnesses**

4. Every person who refuses to attend as a witness after having been required so to do in the manner specified in section six of the Boiler Explosions Act, 1882, and after having had a tender made to him of the expenses therein mentioned, or who refuses or neglects to make any answer, or to give any return, or to produce any documents in his possession, or to make or subscribe any declarations required under the powers of the said Act, shall for each such offence be liable to a fine of not exceeding ten pounds, recoverable as therein provided.

# CHAPTER 36.

## An Act to amend the Removal Terms (Scotland) Act, 1886.

[4th August 1890.]

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

**Short title and extent of Act**

1. This Act may be cited as the Removal Terms (Scotland) Act, 1886, Amendment Act, 1890, and shall extend to Scotland only.

**Terms as to service and removals**

2. Where under any contract of service entered into after the passing of this Act, the term for the commencement or the expiry of such service shall be one or other of the terms of Whit Sunday

or Martinmas, a servant hired by the half year or year shall, in the absence of express stipulation to the contrary, enter upon or quit such service (any custom or usage to the contrary notwithstanding) at noon on the twenty-eighth day of May if the term be Whit Sunday, or at noon on the twenty-eighth day of November if the term be Martinmas, or on the following day at the same hour when the said terms or either of them fall on a Sunday.

Notwithstanding anything in this Act contained, in all cases in which warning of removal from a house is required forty days before a Whit Sunday or Martinmas term of removal, such warning shall be given forty days before the fifteenth day of May and the eleventh day of November respectively.

# CHAPTER 37.

## An Act to consolidate the Foreign Jurisdiction Acts.

[4th August 1890.]

WHEREAS by treaty, capitulation, grant, usage, sufferance, and other lawful means, Her Majesty the Queen has jurisdiction within divers foreign countries, and it is expedient to consolidate the Acts relating to the exercise of Her Majesty's jurisdiction out of Her dominions:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Exercise of jurisdiction in foreign country.

**1.** It is and shall be lawful for Her Majesty the Queen to hold, exercise, and enjoy any jurisdiction which Her Majesty now has or may at any time hereafter have within a foreign country in the same and as ample a manner as if Her Majesty had acquired that jurisdiction by the cession or conquest of territory.

Exercise of jurisdiction over British subjects in countries without regular governments.

**2.** Where a foreign country is not subject to any government from whom Her Majesty the Queen might obtain jurisdiction in the manner recited by this Act, Her Majesty shall by virtue of this Act have jurisdiction over Her Majesty's subjects for the time being resident in or resorting to that country, and that jurisdiction shall be jurisdiction of Her Majesty in a foreign country within the meaning of the other provisions of this Act.

Validity of acts done in pursuance of jurisdiction.

**3.** Every act and thing done in pursuance of any jurisdiction of Her Majesty in a foreign country shall be as valid as if it had been done according to the local law then in force in that country.

Evidence as to existence or extent of jurisdiction in foreign country.

**4.** If in any proceeding, civil or criminal, in a court in Her Majesty's dominions or held under the authority of Her Majesty any question arises as to the existence or extent of any jurisdiction of Her Majesty in a foreign country, a Secretary of State shall, on the application of the court, send to the court within a reasonable

time his decision on the question, and his decision shall for the purposes of the proceeding be final.

(2.) The court shall send to the Secretary of State, in a document under the seal of the court, or signed by a judge of the court, questions framed so as properly to raise the question, and sufficient answers to those questions shall be returned by the Secretary of State to the court, and those answers shall, on production thereof, be conclusive evidence of the matters therein contained.

Power to extend enactments in First Schedule.

**5.**—(1.) It shall be lawful for Her Majesty the Queen in Council, if She thinks fit, by Order to direct that all or any of the enactments described in the First Schedule to this Act, or any enactments for the time being in force amending or substituted for the same, shall extend, with or without any exceptions, adaptations, or modifications in the Order mentioned, to any foreign country in which for the time being Her Majesty has jurisdiction.

(2.) Thereupon those enactments shall, to the extent of that jurisdiction, operate as if that country were a British possession, and as if Her Majesty in Council were the Legislature of that possession.

Power to send persons charged with offences for trial to a British possession.

**6.**—(1.) Where a person is charged with an offence cognizable by a British court in a foreign country, any person having authority derived from Her Majesty in that behalf may, by warrant, cause the person so charged to be sent for trial to any British possession for the time being appointed in that behalf by Order in Council, and upon the arrival of the person so charged in that British possession, such criminal court of that possession as is authorised in that behalf by Order in Council, or if no court is so authorised, the supreme criminal court of that possession, may cause him to be kept in safe and proper custody, and so soon as conveniently may be may inquire of, try, and determine the offence, and on conviction punish the offender according to the laws in force in that behalf within that possession in the same manner as if the offence had been committed within the jurisdiction of that criminal court.

Provided that—

(*a.*) A person so charged may, before being so sent for trial, tender for examination to a British court in the foreign country where the offence is alleged to have been committed any competent witness whose evidence he deems material for his defence and whom he alleges himself unable to produce at the trial in the British possession:

(*b.*) In such case the British court in the foreign country shall proceed in the examination and cross-examination of the witness as though he had been tendered at a trial before that court, and shall cause the evidence so taken to be reduced into writing, and shall transmit to the criminal court of the British possession by which the person charged is to be tried a copy of the evidence, certified as correct under the seal of the court before which the evidence was taken, or the signature of a judge of that court:

(*c.*) Thereupon the court of the British possession before which the trial takes place shall allow so much of the evidence so taken as would have been admissible according to the law and practice of that court, had the witness been produced and examined at the trial, to be read and received as legal evidence at the trial:

(*d.*) The court of the British possession shall admit and give effect to the law by which the alleged offender would have been tried by the British court in the foreign country in which his offence is alleged to have been committed, so far as that law relates to the criminality of the act alleged to have been committed, or the nature or degree of the offence, or the punishment thereof, if the law differs in those respects from the law in force in that British possession.

(2.) Nothing in this section shall alter or repeal any law, statute, or usage by virtue of which any offence committed out of Her Majesty's dominions may, irrespectively of this Act, be inquired of, tried, determined, and punished within Her Majesty's dominions, or any part thereof.

Provision as to place of punishment of persons convicted.

**7.** Where an offender convicted before a British court in a foreign country has been sentenced by that court to suffer death, penal servitude, imprisonment, or any other punishment, the sentence shall be carried into effect in such place as may be directed by Order in Council or be determined in accordance with directions given by Order in Council, and the conviction and sentence shall be of the same force in the place in which the sentence is so carried into effect as if the conviction had been made and the sentence passed by a competent court in that place.

Validity of acts done under Order in Council.

**8.** Where, by Order in Council made in pursuance of this Act, any British court in a foreign country is authorised to order the removal or deportation of any person from that country, that removal or deportation, and any detention for the purposes thereof, according to the provisions of the Order in Council, shall be as lawful as if the order of the court were to have effect wholly within that country.

Power to assign jurisdiction to British courts in cases within Foreign Jurisdiction Act.

**9.** It shall be lawful for Her Majesty the Queen in Council, by Order, to assign to or confer on any court in any British possession, or held under the authority of Her Majesty, any jurisdiction, civil or criminal, original or appellate, which may lawfully by Order in Council be assigned to or conferred on any British court in any foreign country, and to make such provisions and regulations as to Her Majesty in Council seem meet respecting the exercise of the jurisdiction so assigned or conferred, and respecting the enforcement and execution of the judgments, decrees, orders, and sentences of any such court, and respecting appeals therefrom.

Power to amend Orders in Council.

**10.** It shall be lawful for Her Majesty the Queen in Council to revoke or vary any Order in Council made in pursuance of this Act.

Laying before Parliament, and effect of

**11.** Every Order in Council made in pursuance of this Act shall be laid before both Houses of Parliament forthwith after it is made,

if Parliament be then in session, and if not, forthwith after the commencement of the then next session of Parliament, and shall have effect as if it were enacted in this Act.

Orders in Council.

**12.**—(1.) If any Order in Council made in pursuance of this Act as respects any foreign country is in any respect repugnant to the provisions of any Act of Parliament extending to Her Majesty's subjects in that country, or repugnant to any order or regulation made under the authority of any such Act of Parliament, or having in that country the force and effect of any such Act, it shall be read subject to that Act, order, or regulation, and shall, to the extent of such repugnancy, but not otherwise, be void.

In what cases Orders in Council void for repugnancy.

(2.) An Order in Council made in pursuance of this Act shall not be, or be deemed to have been, void on the ground of repugnancy to the law of England unless it is repugnant to the provisions of some such Act of Parliament, order, or regulation as aforesaid.

**13.**—(1.) An action, suit, prosecution, or proceeding against any person for any act done in pursuance or execution or intended execution of this Act, or of any enactment repealed by this Act, or of any Order in Council made under this Act, or of any such jurisdiction of Her Majesty as is mentioned in this Act, or in respect of any alleged neglect or default in the execution of this Act, or of any such enactment, Order in Council, or jurisdiction as aforesaid, shall not lie or be instituted—

Provisions for protection of persons acting under Foreign Jurisdiction Acts.

(*a.*) in any court within Her Majesty's dominions, unless it is commenced within six months next after the act, neglect, or default complained of, or in case of a continuance of injury or damage within six months next after the ceasing thereof, or where the cause of action arose out of Her Majesty's dominions within six months after the parties to the action, suit, prosecution, or proceeding have been within the jurisdiction of the court in which the same is instituted; nor

(*b.*) in any of Her Majesty's courts without Her Majesty's dominions, unless the cause of action arose within the jurisdiction of that court, and the action is commenced within six months next after the act, neglect, or default complained of, or, in case of a continuance of injury or damage, within six months next after the ceasing thereof.

(2.) In any such action, suit, or proceeding, tender of amends before the same was commenced may be pleaded in lieu of or in addition to any other plea. If the action, suit, or proceeding was commenced after such tender, or is proceeded with after payment into court of any money in satisfaction of the plaintiff's claim, and the plaintiff does not recover more than the sum tendered or paid, he shall not recover any costs incurred after such tender or payment, and the defendant shall be entitled to costs, to be taxed as between solicitor and client, as from the time of such tender or payment; but this provision shall not affect costs on any injunction in the action, suit, or proceeding.

**14.** It shall be lawful for Her Majesty the Queen in Council to make any law that may seem meet for the government of Her

Jurisdiction over ships in certain Eastern seas.

Majesty's subjects being in any vessel at a distance of not more than one hundred miles from the coast of China or of Japan, as fully and effectually as any such law might be made by Her Majesty in Council for the government of Her Majesty's subjects being in China or in Japan.

Provision as to subjects of Indian princes.

**15.** Where any Order in Council made in pursuance of this Act extends to persons enjoying Her Majesty's protection, that expression shall include all subjects of the several princes and states in India.

Definitions.

**16.** In this Act,—

The expression "foreign country" means any country or place out of Her Majesty's dominions:

The expression "British court in a foreign country" means any British court having jurisdiction out of Her Majesty's dominions in pursuance of an Order in Council whether made under any Act or otherwise:

The expression "jurisdiction" includes power.

Power to repeal or vary Acts in Second Schedule.

**17.** The Acts mentioned in the Second Schedule to this Act may be revoked or varied by Her Majesty by Order in Council.

Repeal.

**18.** The Acts mentioned in the Third Schedule to this Act are hereby repealed to the extent in the third column of that schedule mentioned: Provided that,—

(1) Any Order in Council, commission, or instructions made or issued in pursuance of any enactment repealed by this Act, shall, if in force at the passing of this Act, continue in force, until altered or revoked by Her Majesty as if made in pursuance of this Act; and shall, for the purposes of this Act, be deemed to have been made or issued under and in pursuance of this Act; and

(2) Any enactment, Order in Council, or document referring to any enactment repealed by this Act shall be construed to refer to the corresponding enactment of this Act.

Short title.

**19.**—(1.) This Act may be cited as the Foreign Jurisdiction Act, 1890.

(2.) The Acts whereof the short titles are given in the First Schedule to this Act may be cited by the respective short titles given in that schedule.

# SCHEDULES.

## FIRST SCHEDULE.

Sections 5, 19.

| Session and Chapter. | Title | Enactments which may be extended by Order in Council. | Short Title. |
|---|---|---|---|
| 12 & 13 Vict. c. 96. - | An Act to provide for the Prosecution and Trial in Her Majesty's Colonies of Offences committed within the jurisdiction of the Admiralty. | The whole Act - | Admiralty Offences (Colonial) Act, 1849. |
| 14 & 15 Vict. c. 99 - | An Act to amend the law of evidence. | Sections seven and eleven. | Evidence Act, 1851. |
| 17 & 18 Vict. c. 104. | The Merchant Shipping Act, 1854. | Part X. | |
| 19 & 20 Vict. c. 113. | An Act to provide for taking evidence in Her Majesty's Dominions in relation to civil and commercial matters pending before Foreign tribunals. | The whole Act - | Foreign Tribunals Evidence Act, 1856. |
| 22 Vict. c. 20. - | An Act to provide for taking evidence in Suits and Proceedings pending before Tribunals in Her Majesty's Dominions, in places out of the jurisdiction of such tribunals. | The whole Act - | Evidence by Commission Act, 1859. |
| 22 & 23 Vict. c. 63. | An Act to afford Facilities for the more certain Ascertainment of the Law administered in one Part of Her Majesty's Dominions, when pleaded in the Courts of another Part thereof. | The whole Act - | British Law Ascertainment Act, 1859. |
| 23 & 24 Vict. c. 122. | An Act to enable the Legislatures of Her Majesty's Possessions Abroad to make Enactments similar to the Enactment of the Act ninth George the Fourth, chapter thirty-one, section eight | The whole Act - | Admiralty Offences (Colonial) Act, 1860. |
| 24 & 25 Vict. c. 11. - | An Act to afford facilities for the better ascertainment of the Law of Foreign Countries when pleaded in Courts within Her Majesty's Dominions. | The whole Act - | Foreign Law Ascertainment Act, 1861. |
| 30 & 31 Vict. c. 124. | The Merchant Shipping Act, 1867. | Section eleven. | |
| 37 & 38 Vict. c. 94. - | The Conveyancing (Scotland) Act, 1874. | Section fifty-one. | |
| 44 & 45 Vict. c. 69. - | The Fugitive Offenders Act, 1881. | The whole Act. | |
| 48 & 49 Vict. c. 74. - | The Evidence by Commission Act, 1885 | The whole Act. | |

## SECOND SCHEDULE.

*Acts which may be revoked or varied by Order in Council.* Section 17.

| Session and Chapter. | Title. | Extent of Repeal. |
|---|---|---|
| 24 & 25 Vict. c. 31. - | An Act for the prevention and punishment of offences committed by Her Majesty's subjects within certain territories adjacent to the colony of Sierra Leone. | The whole Act. |
| 26 & 27 Vict. c. 35. - | An Act for the prevention and punishment of offences committed by Her Majesty's subjects in South Africa. | The whole Act. |

Section 18.

## THIRD SCHEDULE.

*Enactments repealed.*

| Session and Chapter. | Title or Short Title. | Extent of Repeal. |
|---|---|---|
| 6 & 7 Vict. c. 94. - | The Foreign Jurisdiction Act, 1843. | The whole Act. |
| 20 & 21 Vict. c. 75. - | An Act to confirm an Order in Council concerning the exercise of jurisdiction in matters arising within the kingdom of Siam. | The whole Act. |
| 28 & 29 Vict. c. 116. | The Foreign Jurisdiction Act Amendment Act, 1865. | The whole Act. |
| 29 & 30 Vict c. 87. - | The Foreign Jurisdiction Act Amendment Act, 1866. | The whole Act. |
| 33 & 34 Vict. c. 55. - | The Siam and Straits Settlements Jurisdiction Act, 1870. | The whole Act. |
| 38 & 39 Vict c. 85. - | The Foreign Jurisdiction Act, 1875. | The whole Act. |
| 39 & 40 Vict. c. 46. - | An Act for more effectually punishing offences against the laws relating to the slave trade. | Sections four and six. |
| 41 & 42 Vict. c. 67. - | The Foreign Jurisdiction Act, 1878. | The whole Act. |

# CHAPTER 38.

## An Act for taking the Census of Scotland.

[14th August 1890.]

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Census to be taken in 1891.

1. A census for Scotland shall be taken in the year one thousand eight hundred and ninety-one, and the census day shall be Sunday the fifth day of April in that year.

Secretary for Scotland to superintend census

2. The Secretary for Scotland shall have the care of superintending the taking of the census of Scotland, and shall cause to be prepared and printed, for the use of the persons to be employed in taking it, such forms and instructions as he shall deem necessary, and the Registrar General for Scotland shall issue all such forms and instructions to the persons for whose use they shall be intended; and all the expenses which shall be incurred by authority of the Secretary for Scotland, with the consent of the Treasury, under this Act, shall be paid out of money provided by Parliament.

Copy of Act to be sent to every sheriff and the

3. The Registrar General for Scotland shall send a printed copy of this Act to the sheriff of every county in Scotland, and to the

chief magistrate of the burghs of Edinburgh, Glasgow, Dundee, Aberdeen, Greenock, Paisley, Leith, and Perth.

chief magistrate of Edinburgh, &c.

4. Every registrar's district in Scotland shall be formed into enumerators divisions according to instructions to be prepared by or under the direction of the Secretary for Scotland, who shall cause a sufficient number of copies of such instructions to be sent to every registrar of births, deaths, and marriages in Scotland; and the registrars, with all convenient speed, shall divide the several districts into enumerators divisions according to such instructions, and subject in each case to be revised by the sheriff of the county or the chief magistrate of the burgh, being one of the burghs mentioned in the third section hereof, as the case may be.

Registrars districts to be formed into enumerators divisions.

5. Every registrar of births, deaths, and marriages in Scotland shall make and return, in the case of the burghs mentioned in the third section hereof to the chief magistrate of the burgh, and in the case of every other burgh and of every county to the sheriff of the county, a list containing the names and places of abode of a sufficient number of persons, duly qualified according to instructions to be prepared by or under the direction of the Secretary for Scotland, to act as enumerators within his district, and such persons, when approved of by the sheriff or chief magistrate, shall be appointed by the registrar, by any writing under his hand, enumerators for taking the census; and the registrar, with the like approval, shall assign a division to each enumerator, and shall distribute to the several enumerators in his district the forms and instructions which shall have been issued for that purpose by the Registrar General for Scotland, and shall personally ascertain that each enumerator thoroughly understands the manner in which the duties required of him are to be performed.

Enumerators to be appointed.

6.—(1.) Schedules shall be prepared by or under the direction of the Secretary for Scotland for the purpose of being filled up by or on behalf of the several occupiers in dwelling-houses as herein-after provided, with the following particulars, and no others, namely particulars showing the name, sex, age, profession, or occupation, condition as to marriage, relation to head of family, and birthplace, of every living person who abode in every house on the night of the census day, and showing also whether any such person was blind, or deaf and dumb, or imbecile or lunatic, and whether any such person speaks Gaelic only, or both Gaelic and English.

Preparation and filling up of schedules.

(2.) Every registrar in Scotland shall in the course of the week ending on the Saturday next before the census day leave or cause to be left at every dwelling-house within his district one or more of the said schedules for the occupier or occupiers thereof or of any part thereof, and upon every such schedule shall be plainly expressed that it is to be filled up by the occupier of such dwelling-house (or where such dwelling-house is let in different stories or apartments, and occupied distinctly by different persons or families, by the occupier of each such distinct story or apartment), and that the enumerator will collect all such schedules within his division on the Monday then next following.

(3) Every occupier of any dwelling-house, or of any distinct story or apartment in any dwelling-house, with or for whom any such schedule shall have been left as aforesaid, shall fill up the said schedule to the best of his or her knowledge and belief, so far as relates to all persons dwelling in the house, story, or apartment occupied by him or her, and shall sign his or her name thereto, and shall deliver the schedule so filled up, or cause the same to be delivered, to the enumerator when required so to do.

(4.) If any such occupier wilfully refuses or without lawful excuse neglects to fill up the said schedule to the best of his or her knowledge and belief, or to sign and deliver the same as herein required, or who wilfully makes, signs, or delivers, or causes to be made, signed, or delivered, any false return of all or any of the matters specified in the said schedule, he or she shall forfeit a sum not exceeding five pounds

(5.) In this section the expression "dwelling-house" shall include every building and tenement of which the whole or any part is used for the purpose of human habitation.

Collection and correction of schedules.

7. The enumerators shall visit every house in their respective divisions, and shall collect all the schedules so left within their division from house to house, so far as may be possible, on the day next following the census day, and shall complete such of the schedules as upon delivery thereof to them shall appear to be defective, and correct such as they shall find to be erroneous, and shall copy the schedules, when completed and corrected, into books to be provided for that purpose, and shall add thereunto an account, according to the best information which they are able to obtain, of all the other persons living within their division who are not included in the schedules collected by them.

Particulars as to houses, parishes, school board districts, and delivery of book to registrar

8. Every enumerator shall also take an account of the occupied houses, and of the houses then building and therefore uninhabited, and also of all other uninhabited houses within his division, stating the number of rooms, including the kitchen, if any, as a room, having a window or windows, not being windows with a borrowed light, in each dwelling-house, and shall also take an account of all the particulars herein-before mentioned, and none other, according to the forms and instructions which may be issued under this Act; and in the book into which he shall have copied the householders schedules and other particulars, as herein-before directed, each enumerator shall distinguish the several parishes and school board districts within his division, or such parts thereof as shall be within his division, and shall also distinguish those parishes or parts of parishes within his division which are within the limits of any city or burgh returning or contributing to return a member or members to serve in Parliament, or any royal burgh or any place in which either of the General Police and Improvement Acts, thirteenth and fourteenth Victoria, chapter thirty-three, or twenty-fifth and twenty-sixth Victoria, chapter one hundred and one, has been adopted, or which are within any area prescribed in that behalf in his instructions, and shall deliver such book to the registrar of the district, together with the householders schedules collected by him, and shall sign a form or declaration to the effect

that the said book has been truly and faithfully filled up by him, and that to the best of his knowledge the same is correct, which form of declaration shall be prepared by or under the direction of the Secretary for Scotland, and issued by the Registrar General for Scotland with the forms and instructions aforesaid.

**Registrars to verify the enumerators books.**

**9.** The registrar to whom such enumerators books are delivered shall examine the same, and shall satisfy himself that the instructions in each case have been punctually fulfilled, and if they have not shall cause any defect or inaccuracy in the said books to be supplied so far as may be possible; and when the books have been made as accurate as is possible the registrar shall deliver them to the sheriff of the county or the chief magistrate of the burgh, being one of the burghs mentioned in the third section hereof, as the case may be, as herein-after provided, and thereafter shall transmit the householders schedules to the Registrar General for Scotland.

**Returns to be given to sheriffs of counties and chief magistrates of Edinburgh, &c.**

**10.** The sheriff of every county and the chief magistrate of each of the burghs mentioned in the third section hereof shall appoint a time or times, which shall not be earlier than seven nor later than twenty-one days after the census day, for the registrars of districts within their respective jurisdictions to attend at such places as they may appoint, with the books filled up under this Act, of which times and places intimation shall be given to the registrars in such manner as shall be directed by the sheriffs and chief magistrates respectively, who shall then and there receive from the registrars the said books, and cause every registrar to make a declaration to the effect that to the best of his knowledge the same are correct; and the sheriffs and chief magistrates, if they see cause, may examine the registrars touching any of the matters to which the books relate, and shall cause any inaccuracies which they shall discover in such books to be corrected so far as may be possible, and shall thereafter direct the sheriff clerk of the county or the town clerk of the burgh, being one of the burghs mentioned in the third section hereof, as the case may be, to indorse the same (if not previously indorsed) with the name of the county wherein the parish or place therein mentioned is situate, or otherwise (where any of the said sheriffs shall think proper) they shall direct the registrar to verify the said books before any justice of the peace of their respective counties, and thereafter to transmit the same previously to the expiration of the said period of twenty-one days in any convenient manner to the said sheriffs, who shall direct the same to be indorsed as aforesaid.

**Sheriffs of counties and chief magistrates of Edinburgh, &c. to receive returns and transmit them to Registrar General.**

**11.** The sheriffs of counties and the chief magistrates of each of the burghs mentioned in the third section hereof shall, on or before the expiration of one month after the census day, or such other time as may be fixed by the Registrar General for Scotland, transmit all the books by them received from the registrars (together with a list of the parishes and places, including the burghs not mentioned in the third section hereof, within their respective counties and burghs, being burghs mentioned in the said section, from whence no returns have been made to them,) to the

office of the Registrar General for Scotland for the use of the Secretary for Scotland.

Abstract of returns to be printed and laid before Parliament.

**12.** The Secretary for Scotland shall cause an abstract to be made of the said returns; and such abstract shall be printed, and laid before both Houses of Parliament within five months next after the census day if Parliament be then sitting, or if Parliament be not then sitting, then within the first fourteen days of the session then next ensuing.

Governors, &c. of gaols, &c. to be enumerators of the inmates thereof.

**13.** The governor, master, or keeper of every gaol, prison, or house of correction, poorhouse, hospital, or lunatic asylum, and of every public or charitable institution, which may be determined upon by the said Registrar General, shall be the enumerator of the inmates thereof, and shall be bound to conform to such instructions as shall be sent to him by the authority of the Secretary for Scotland for obtaining the returns required by this Act, so far as may be practicable, with respect to such inmates.

Inspectors of poor, &c. to act as enumerators.

**14.** The inspectors and assistant inspectors of poor in every parish or combination in Scotland shall be bound to act as enumerators under this Act within their respective parishes and combinations, if required so to act by the authority of the Secretary for Scotland, and when they shall so act shall be entitled to allowances as enumerators under the provisions of this Act; and every such inspector or assistant inspector of poor who shall refuse or wilfully neglect so to act and duly to perform the duties required of the said enumerators by this Act, shall for every such offence forfeit a sum not exceeding ten pounds.

Returns of houseless poor and of persons travelling or on shipboard.

**15.** The Secretary for Scotland shall obtain, by such ways and means as shall appear to him best adapted for the purpose, returns of the particulars required by this Act with respect to all houseless persons, and all persons who during the night of the census day were travelling or on shipboard, or for any other reason were not abiding in any house of which account is to be taken by the enumerators and other persons as aforesaid, and shall include such returns in the abstract to be made by him as aforesaid.

Table of allowances to enumerators and other persons employed.

**16.** The Secretary for Scotland shall cause to be prepared a table of allowances to be made to the several enumerators, registrars, sheriff clerks, town clerks of burghs mentioned in the third section hereof, and other persons in Scotland employed in the execution of this Act; and such table, when approved by the Treasury, shall be laid before both Houses of Parliament on or before the first day of March next preceding the census day, if Parliament be then sitting, or if Parliament be not then sitting, then within the first fourteen days of the session then next ensuing.

Payments to be certified to the Registrar General.

**17.** The sheriff of every county and the chief magistrate of each of the burghs mentioned in the third section hereof shall, within one month next after the census day, certify to the Registrar General for Scotland the total amount of the allowances to which the registrars, enumerators, sheriff clerks, town clerks of the said burghs, and other persons are respectively entitled according to the said table.

**18.** The sheriffs of counties and the chief magistrates of the burghs mentioned in the third section hereof shall grant to the sheriff clerks and town clerks of the said burghs respectively, and the several registrars, enumerators, or other persons employed in the execution of this Act, such allowances as shall have been certified as herein-before provided, together with any necessary expenses incurred by them or any of them in the execution of this Act, and shall order payment thereof to be made by the Queen's and Lord Treasurer's Remembrancer out of the moneys provided by Parliament for that purpose, and he shall pay the same accordingly; and the receipts to be given by the registrars, enumerators, and other persons for payment of their said allowances shall be delivered to the sheriff clerk or such town clerk, as the case may be, who shall transmit the same, together with the receipt for his own allowance, to the Registrar General for Scotland: Provided always, that no such payment shall be made to any enumerator or other person who shall be required to act as an enumerator under this Act, but upon production of a certificate under the hand of the registrar that the duties required of such enumerator or other person acting as enumerator by this Act have been faithfully performed, and the like certificate shall be required under the hand of the sheriff or such chief magistrate, as the case may be, with respect to the registrar, before any payment shall be made to him.

Payment of persons employed in execution of Act.

**19.** Every registrar, and every enumerator and other person who shall be required to act as enumerator, so appointed as aforesaid, making wilful default in any of the matters required of them respectively by this Act, or making any wilfully false declaration, shall for every such wilful default or false declaration forfeit a sum not exceeding five pounds.

Penalty for wilful default.

**20.** The enumerators and other persons employed in the execution of this Act shall be authorised to ask all such questions as shall be directed in any instructions to be prepared by or under the direction of the Secretary for Scotland which shall be necessary for obtaining the returns required by this Act; and every person refusing to answer or wilfully giving a false answer to such questions or any of them shall for every such refusal or wilfully false answer forfeit a sum not exceeding five pounds.

Penalty for refusing information or giving false answers.

**21.** Any offence against the provisions of this Act may be prosecuted, and any fine or penalty imposed by this Act may be recovered before the sheriff under the provisions of the Summary Jurisdiction Acts, and every such fine or penalty shall be paid, one half to the informer, and the other half to the Queen's and Lord Treasurer's Remembrancer on behalf of Her Majesty.

Recovery and application of penalties.

**22.** This Act may be cited as the Census (Scotland) Act, 1890.

Short title.

# CHAPTER 39.

## An Act to declare and amend the Law of Partnership.

[14th August 1890.]

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

*Nature of Partnership.*

Definition of partnership.

**1.**—(1.) Partnership is the relation which subsists between persons carrying on a business in common with a view of profit.

(2.) But the relation between members of any company or association which is—

25 & 26 Vict. c. 89.

(*a.*) Registered as a company under the Companies Act, 1862, or any other Act of Parliament for the time being in force and relating to the registration of joint stock companies; or

(*b.*) Formed or incorporated by or in pursuance of any other Act of Parliament or letters patent, or Royal Charter; or

(*c.*) A company engaged in working mines within and subject to the jurisdiction of the Stannaries:

is not a partnership within the meaning of this Act.

Rules for determining existence of partnership.

**2.** In determining whether a partnership does or does not exist, regard shall be had to the following rules:

(1.) Joint tenancy, tenancy in common, joint property, common property, or part ownership does not of itself create a partnership as to anything so held or owned, whether the tenants or owners do or do not share any profits made by the use thereof.

(2.) The sharing of gross returns does not of itself create a partnership, whether the persons sharing such returns have or have not a joint or common right or interest in any property from which or from the use of which the returns are derived.

(3.) The receipt by a person of a share of the profits of a business is *primâ facie* evidence that he is a partner in the business, but the receipt of such a share, or of a payment contingent on or varying with the profits of a business, does not of itself make him a partner in the business; and in particular—

(*a.*) The receipt by a person of a debt or other liquidated amount by instalments or otherwise out of the accruing profits of a business does not of itself make him a partner in the business or liable as such:

(*b.*) A contract for the remuneration of a servant or agent of a person engaged in a business by a share of the profits of the business does not of itself make the servant or agent a partner in the business or liable as such:

(*c.*) A person being the widow or child of a deceased partner, and receiving by way of annuity a portion of the profits made in the business in which the deceased person was a partner, is not by reason only of such receipt a partner in the business or liable as such:

(*d.*) The advance of money by way of loan to a person engaged or about to engage in any business on a contract with that person that the lender shall receive a rate of interest varying with the profits, or shall receive a share of the profits arising from carrying on the business, does not of itself make the lender a partner with the person or persons carrying on the business or liable as such. Provided that the contract is in writing, and signed by or on behalf of all the parties thereto:

(*e.*) A person receiving by way of annuity or otherwise a portion of the profits of a business in consideration of the sale by him of the goodwill of the business is not by reason only of such receipt a partner in the business or liable as such.

Postponement of rights of person lending or selling in consideration of share of profits in case of insolvency.

**3.** In the event of any person to whom money has been advanced by way of loan upon such a contract as is mentioned in the last foregoing section, or of any buyer of a goodwill in consideration of a share of the profits of the business, being adjudged a bankrupt, entering into an arrangement to pay his creditors less than twenty shillings in the pound, or dying in insolvent circumstances, the lender of the loan shall not be entitled to recover anything in respect of his loan, and the seller of the goodwill shall not be entitled to recover anything in respect of the share of profits contracted for, until the claims of the other creditors of the borrower or buyer for valuable consideration in money or money's worth have been satisfied.

Meaning of firm.

**4.**—(1.) Persons who have entered into partnership with one another are for the purposes of this Act called collectively a firm, and the name under which their business is carried on is called the firm-name.

(2.) In Scotland a firm is a legal person distinct from the partners of whom it is composed, but an individual partner may be charged on a decree or diligence directed against the firm, and on payment of the debts is entitled to relief *pro ratâ* from the firm and its other members.

*Relations of Partners to persons dealing with them.*

Power of partner to bind the firm.

**5.** Every partner is an agent of the firm and his other partners for the purpose of the business of the partnership; and the acts of every partner who does any act for carrying on in the usual way business of the kind carried on by the firm of which he is a member bind the firm and his partners, unless the partner so acting has in fact no authority to act for the firm in the particular matter, and the person with whom he is dealing either knows that he has no authority, or does not know or believe him to be a partner.

Partners bound by acts on behalf of firm.

**6.** An act or instrument relating to the business of the firm and done or executed in the firm-name, or in any other manner showing an intention to bind the firm, by any person thereto authorised, whether a partner or not, is binding on the firm and all the partners.

Provided that this section shall not affect any general rule of law relating to the execution of deeds or negotiable instruments.

Partner using credit of firm for private purposes.

**7.** Where one partner pledges the credit of the firm for a purpose apparently not connected with the firm's ordinary course of business, the firm is not bound, unless he is in fact specially authorised by the other partners, but this section does not affect any personal liability incurred by an individual partner.

Effect of notice that firm will not be bound by acts of partner.

**8.** If it has been agreed between the partners that any restriction shall be placed on the power of any one or more of them to bind the firm, no act done in contravention of the agreement is binding on the firm with respect to persons having notice of the agreement.

Liability of partners

**9.** Every partner in a firm is liable jointly with the other partners, and in Scotland severally also, for all debts and obligations of the firm incurred while he is a partner; and after his death his estate is also severally liable in a due course of administration for such debts and obligations, so far as they remain unsatisfied, but subject in England or Ireland to the prior payment of his separate debts.

Liability of the firm for wrongs

**10.** Where, by any wrongful act or omission of any partner acting in the ordinary course of the business of the firm, or with the authority of his co-partners, loss or injury is caused to any person not being a partner in the firm, or any penalty is incurred, the firm is liable therefor to the same extent as the partner so acting or omitting to act.

Misapplication of money or property received for or in custody of the firm

**11.** In the following cases; namely—

(*a.*) Where one partner acting within the scope of his apparent authority receives the money or property of a third person and misapplies it; and

(*b.*) Where a firm in the course of its business receives money or property of a third person, and the money or property so received is misapplied by one or more of the partners while it is in the custody of the firm;

the firm is liable to make good the loss.

Liability for wrongs joint and several.

**12.** Every partner is liable jointly with his co partners and also severally for everything for which the firm while he is a partner therein becomes liable under either of the two last preceding sections.

Improper employment of trust-property for partnership purposes

**13.** If a partner, being a trustee, improperly employs trust-property in the business or on the account of the partnership, no other partner is liable for the trust-property to the persons beneficially interested therein:

Provided as follows:—

(1.) This section shall not affect any liability incurred by any partner by reason of his having notice of a breach of trust; and

(2.) Nothing in this section shall prevent trust money from being followed and recovered from the firm if still in its possession or under its control.

Persons liable by "holding out."

**14.**—(1.) Every one who by words spoken or written or by conduct represents himself, or who knowingly suffers himself to be

represented, as a partner in a particular firm, is liable as a partner to any one who has on the faith of any such representation given credit to the firm, whether the representation has or has not been made or communicated to the person so giving credit by or with the knowledge of the apparent partner making the representation or suffering it to be made.

(2.) Provided that where after a partner's death the partnership business is continued in the old firm-name, the continued use of that name or of the deceased partner's name as part thereof shall not of itself make his executors or administrators estate or effects liable for any partnership debts contracted after his death.

**Admissions and representations of partners.**

**15.** An admission or representation made by any partner concerning the partnership affairs, and in the ordinary course of its business, is evidence against the firm.

**Notice to acting partner to be notice to the firm.**

**16.** Notice to any partner who habitually acts in the partnership business of any matter relating to partnership affairs operates as notice to the firm, except in the case of a fraud on the firm committed by or with the consent of that partner.

**Liabilities of incoming and outgoing partners.**

**17.**—(1.) A person who is admitted as a partner into an existing firm does not thereby become liable to the creditors of the firm for anything done before he became a partner.

(2.) A partner who retires from a firm does not thereby cease to be liable for partnership debts or obligations incurred before his retirement.

(3.) A retiring partner may be discharged from any existing liabilities, by an agreement to that effect between himself and the members of the firm as newly constituted and the creditors, and this agreement may be either express or inferred as a fact from the course of dealing between the creditors and the firm as newly constituted.

**Revocation of continuing guaranty by change in firm.**

**18.** A continuing guaranty or cautionary obligation given either to a firm or to a third person in respect of the transactions of a firm is, in the absence of agreement to the contrary, revoked as to future transactions by any change in the constitution of the firm to which, or of the firm in respect of the transactions of which, the guaranty or obligation was given.

*Relations of Partners to one another.*

**Variation by consent of terms of partnership.**

**19.** The mutual rights and duties of partners, whether ascertained by agreement or defined by this Act, may be varied by the consent of all the partners, and such consent may be either express or inferred from a course of dealing.

**Partnership property.**

**20.**—(1.) All property and rights and interests in property originally brought into the partnership stock or acquired, whether by purchase or otherwise, on account of the firm, or for the purposes and in the course of the partnership business, are called in this Act partnership property, and must be held and applied by the partners exclusively for the purposes of the partnership and in accordance with the partnership agreement.

(2.) Provided that the legal estate or interest in any land, or in Scotland the title to and interest in any heritable estate, which belongs to the partnership shall devolve according to the nature and tenure thereof, and the general rules of law thereto applicable, but in trust, so far as necessary, for the persons beneficially interested in the land under this section.

(3.) Where co-owners of an estate or interest in any land, or in Scotland of any heritable estate, not being itself partnership property, are partners as to profits made by the use of that land or estate, and purchase other land or estate out of the profits to be used in like manner, the land or estate so purchased belongs to them, in the absence of an agreement to the contrary, not as partners, but as co-owners for the same respective estates and interests as are held by them in the land or estate first mentioned at the date of the purchase.

Property bought with partnership money.

**21.** Unless the contrary intention appears, property bought with money belonging to the firm is deemed to have been bought on account of the firm.

Conversion into personal estate of land held as partnership property.

**22.** Where land or any heritable interest therein has become partnership property, it shall, unless the contrary intention appears, be treated as between the partners (including the representatives of a deceased partner), and also as between the heirs of a deceased partner and his executors or administrators, as personal or moveable and not real or heritable estate.

Procedure against partnership property for a partner's separate judgment debt.

**23.**—(1.) After the commencement of this Act a writ of execution shall not issue against any partnership property except on a judgment against the firm.

(2.) The High Court, or a judge thereof, or the Chancery Court of the county palatine of Lancaster, or a county court, may, on the application by summons of any judgment creditor of a partner, make an order charging that partner's interest in the partnership property and profits with payment of the amount of the judgment debt and interest thereon, and may by the same or a subsequent order appoint a receiver of that partner's share of profits (whether already declared or accruing), and of any other money which may be coming to him in respect of the partnership, and direct all accounts and inquiries, and give all other orders and directions which might have been directed or given if the charge had been made in favour of the judgment creditor by the partner, or which the circumstances of the case may require.

(3.) The other partner or partners shall be at liberty at any time to redeem the interest charged, or in case of a sale being directed, to purchase the same.

(4.) This section shall apply in the case of a cost-book company as if the company were a partnership within the meaning of this Act.

(5.) This section shall not apply to Scotland.

Rules as to interests and duties of

**24.** The interests of partners in the partnership property and their rights and duties in relation to the partnership shall be deter-

mined, subject to any agreement express or implied between the partners, by the following rules:

partners subject to special agreement.

(1.) All the partners are entitled to share equally in the capital and profits of the business, and must contribute equally towards the losses whether of capital or otherwise sustained by the firm.

(2.) The firm must indemnify every partner in respect of payments made and personal liabilities incurred by him—

(*a.*) In the ordinary and proper conduct of the business of the firm; or,

(*b.*) In or about anything necessarily done for the preservation of the business or property of the firm.

(3.) A partner making, for the purpose of the partnership, any actual payment or advance beyond the amount of capital which he has agreed to subscribe, is entitled to interest at the rate of five per cent. per annum from the date of the payment or advance.

(4.) A partner is not entitled, before the ascertainment of profits, to interest on the capital subscribed by him.

(5.) Every partner may take part in the management of the partnership business.

(6.) No partner shall be entitled to remuneration for acting in the partnership business.

(7.) No person may be introduced as a partner without the consent of all existing partners.

(8.) Any difference arising as to ordinary matters connected with the partnership business may be decided by a majority of the partners, but no change may be made in the nature of the partnership business without the consent of all existing partners.

(9.) The partnership books are to be kept at the place of business of the partnership (or the principal place, if there is more than one), and every partner may, when he thinks fit, have access to and inspect and copy any of them.

Expulsion of partner.

**25.** No majority of the partners can expel any partner unless a power to do so has been conferred by express agreement between the partners.

Retirement from partnership at will.

**26.**—(1.) Where no fixed term has been agreed upon for the duration of the partnership, any partner may determine the partnership at any time on giving notice of his intention so to do to all the other partners.

(2.) Where the partnership has originally been constituted by deed, a notice in writing, signed by the partner giving it, shall be sufficient for this purpose.

Where partnership for term is continued over, continuance on old terms presumed.

**27.**—(1.) Where a partnership entered into for a fixed term is continued after the term has expired, and without any express new agreement, the rights and duties of the partners remain the same as they were at the expiration of the term, so far as is consistent with the incidents of a partnership at will.

(2.) A continuance of the business by the partners or such of them as habitually acted therein during the term, without any settlement

or liquidation of the partnership affairs, is presumed to be a continuance of the partnership.

Duty of partners to render accounts, &c.

**28.** Partners are bound to render true accounts and full information of all things affecting the partnership to any partner or his legal representatives.

Accountability of partners for private profits.

**29.**—(1.) Every partner must account to the firm for any benefit derived by him without the consent of the other partners from any transaction concerning the partnership, or from any use by him of the partnership property name or business connexion.

(2.) This section applies also to transactions undertaken after a partnership has been dissolved by the death of a partner, and before the affairs thereof have been completely wound up, either by any surviving partner or by the representatives of the deceased partner.

Duty of partner not to compete with firm.

**30.** If a partner, without the consent of the other partners, carries on any business of the same nature as and competing with that of the firm, he must account for and pay over to the firm all profits made by him in that business.

Rights of assignee of share in partnership.

**31.**—(1.) An assignment by any partner of his share in the partnership, either absolute or by way of mortgage or redeemable charge, does not, as against the other partners, entitle the assignee, during the continuance of the partnership, to interfere in the management or administration of the partnership business or affairs, or to require any accounts of the partnership transactions, or to inspect the partnership books, but entitles the assignee only to receive the share of profits to which the assigning partner would otherwise be entitled, and the assignee must accept the account of profits agreed to by the partners.

(2.) In case of a dissolution of the partnership, whether as respects all the partners or as respects the assigning partner, the assignee is entitled to receive the share of the partnership assets to which the assigning partner is entitled as between himself and the other partners, and, for the purpose of ascertaining that share, to an account as from the date of the dissolution.

*Dissolution of Partnership, and its consequences.*

Dissolution by expiration or notice.

**32.** Subject to any agreement between the partners, a partnership is dissolved—

(*a.*) If entered into for a fixed term, by the expiration of that term:

(*b.*) If entered into for a single adventure or undertaking, by the termination of that adventure or undertaking:

(*c.*) If entered into for an undefined time, by any partner giving notice to the other or others of his intention to dissolve the partnership.

In the last-mentioned case the partnership is dissolved as from the date mentioned in the notice as the date of dissolution, or, if no date is so mentioned, as from the date of the communication of the notice.

**33.**—(1.) Subject to any agreement between the partners, every partnership is dissolved as regards all the partners by the death or bankruptcy of any partner. Dissolution by bankruptcy, death, or charge

(2.) A partnership may, at the option of the other partners, be dissolved if any partner suffers his share of the partnership property to be charged under this Act for his separate debt.

**34.** A partnership is in every case dissolved by the happening of any event which makes it unlawful for the business of the firm to be carried on or for the members of the firm to carry it on in partnership. Dissolution by illegality of partnership.

**35.** On application by a partner the Court may decree a dissolution of the partnership in any of the following cases: Dissolution by the Court.

(*a.*) When a partner is found lunatic by inquisition, or in Scotland by cognition, or is shown to the satisfaction of the Court to be of permanently unsound mind, in either of which cases the application may be made as well on behalf of that partner by his committee or next friend or person having title to intervene as by any other partner:

(*b.*) When a partner, other than the partner suing, becomes in any other way permanently incapable of performing his part of the partnership contract:

(*c.*) When a partner, other than the partner suing, has been guilty of such conduct as, in the opinion of the Court, regard being had to the nature of the business, is calculated to prejudicially affect the carrying on of the business:

(*d.*) When a partner, other than the partner suing, wilfully or persistently commits a breach of the partnership agreement, or otherwise so conducts himself in matters relating to the partnership business that it is not reasonably practicable for the other partner or partners to carry on the business in partnership with him:

(*e.*) When the business of the partnership can only be carried on at a loss:

(*f.*) Whenever in any case circumstances have arisen which, in the opinion of the Court, render it just and equitable that the partnership be dissolved.

**36.**—(1.) Where a person deals with a firm after a change in its constitution he is entitled to treat all apparent members of the old firm as still being members of the firm until he has notice of the change. Rights of persons dealing with firm against apparent members of firm.

(2.) An advertisement in the London Gazette as to a firm whose principal place of business is in England or Wales, in the Edinburgh Gazette as to a firm whose principal place of business is in Scotland, and in the Dublin Gazette as to a firm whose principal place of business is in Ireland, shall be notice as to persons who had not dealings with the firm before the date of the dissolution or change so advertised.

(3.) The estate of a partner who dies, or who becomes bankrupt, or of a partner who, not having been known to the person dealing with the firm to be a partner, retires from the firm, is not liable

for partnership debts contracted after the date of the death, bankruptcy, or retirement respectively.

Right of partners to notify dissolution.

**37.** On the dissolution of a partnership or retirement of a partner any partner may publicly notify the same, and may require the other partner or partners to concur for that purpose in all necessary or proper acts, if any, which cannot be done without his or their concurrence.

Continuing authority of partners for purposes of winding up.

**38.** After the dissolution of a partnership the authority of each partner to bind the firm, and the other rights and obligations of the partners, continue notwithstanding the dissolution so far as may be necessary to wind up the affairs of the partnership, and to complete transactions begun but unfinished at the time of the dissolution, but not otherwise.

Provided that the firm is in no case bound by the acts of a partner who has become bankrupt; but this proviso does not affect the liability of any person who has after the bankruptcy represented himself or knowingly suffered himself to be represented as a partner of the bankrupt.

Rights of partners as to application of partnership property

**39.** On the dissolution of a partnership every partner is entitled, as against the other partners in the firm, and all persons claiming through them in respect of their interests as partners, to have the property of the partnership applied in payment of the debts and liabilities of the firm, and to have the surplus assets after such payment applied in payment of what may be due to the partners respectively after deducting what may be due from them as partners to the firm; and for that purpose any partner or his representatives may on the termination of the partnership apply to the Court to wind up the business and affairs of the firm.

Apportionment of premium where partnership prematurely dissolved.

**40.** Where one partner has paid a premium to another on entering into a partnership for a fixed term, and the partnership is dissolved before the expiration of that term otherwise than by the death of a partner, the Court may order the repayment of the premium, or of such part thereof as it thinks just, having regard to the terms of the partnership contract and to the length of time during which the partnership has continued; unless

(*a.*) the dissolution is, in the judgment of the Court, wholly or chiefly due to the misconduct of the partner who paid the premium, or

(*b.*) the partnership has been dissolved by an agreement containing no provision for a return of any part of the premium.

Rights where partnership dissolved for fraud or misrepresentation.

**41.** Where a partnership contract is rescinded on the ground of the fraud or misrepresentation of one of the parties thereto, the party entitled to rescind is, without prejudice to any other right, entitled—

(*a.*) to a lien on, or right of retention of, the surplus of the partnership assets, after satisfying the partnership liabilities, for any sum of money paid by him for the purchase of a share in the partnership and for any capital contributed by him, and is

(*b.*) to stand in the place of the creditors of the firm for any payments made by him in respect of the partnership liabilities, and

(*c.*) to be indemnified by the person guilty of the fraud or making the representation against all the debts and liabilities of the firm.

Right of outgoing partner in certain cases to share profits made after dissolution.

**42.**—(1.) Where any member of a firm has died or otherwise ceased to be a partner, and the surviving or continuing partners carry on the business of the firm with its capital or assets without any final settlement of accounts as between the firm and the outgoing partner or his estate, then, in the absence of any agreement to the contrary, the outgoing partner or his estate is entitled at the option of himself or his representatives to such share of the profits made since the dissolution as the Court may find to be attributable to the use of his share of the partnership assets, or to interest at the rate of five per cent. per annum on the amount of his share of the partnership assets.

(2.) Provided that where by the partnership contract an option is given to surviving or continuing partners to purchase the interest of a deceased or outgoing partner, and that option is duly exercised, the estate of the deceased partner, or the outgoing partner or his estate, as the case may be, is not entitled to any further or other share of profits; but if any partner assuming to act in exercise of the option does not in all material respects comply with the terms thereof, he is liable to account under the foregoing provisions of this section.

Retiring or deceased partner's share to be a debt.

**43.** Subject to any agreement between the partners, the amount due from surviving or continuing partners to an outgoing partner or the representatives of a deceased partner in respect of the outgoing or deceased partner's share is a debt accruing at the date of the dissolution or death.

Rule for distribution of assets on final settlement of accounts.

**44.** In settling accounts between the partners after a dissolution of partnership, the following rules shall, subject to any agreement, be observed:

(*a.*) Losses, including losses and deficiencies of capital, shall be paid first out of profits, next out of capital, and lastly, if necessary, by the partners individually in the proportion in which they were entitled to share profits:

(*b.*) The assets of the firm including the sums, if any, contributed by the partners to make up losses or deficiencies of capital, shall be applied in the following manner and order:

1. In paying the debts and liabilities of the firm to persons who are not partners therein:
2. In paying to each partner rateably what is due from the firm to him for advances as distinguished from capital:
3. In paying to each partner rateably what is due from the firm to him in respect of capital:
4. The ultimate residue, if any, shall be divided among the partners in the proportion in which profits are divisible.

*Supplemental.*

Definitions of "court" and "business"

**45.** In this Act, unless the contrary intention appears,—

The expression "court" includes every court and judge having jurisdiction in the case:

The expression "business" includes every trade, occupation, or profession.

Saving for rules of equity and common law.

**46.** The rules of equity and of common law applicable to partnership shall continue in force except so far as they are inconsistent with the express provisions of this Act.

Provision as to bankruptcy in Scotland.

**47.**—(1.) In the application of this Act to Scotland the bankruptcy of a firm or of an individual shall mean sequestration under the Bankruptcy (Scotland) Acts, and also in the case of an individual the issue against him of a decree of cessio bonorum.

(2) Nothing in this Act shall alter the rules of the law of Scotland relating to the bankruptcy of a firm or of the individual partners thereof.

Repeal.

**48.** The Acts mentioned in the schedule to this Act are hereby repealed to the extent mentioned in the third column of that schedule.

Commencement of Act.

**49.** This Act shall come into operation on the first day of January one thousand eight hundred and ninety-one.

Short title.

**50.** This Act may be cited as the Partnership Act, 1890.

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## SCHEDULE.

Section 48.

ENACTMENTS REPEALED.

| Session and Chapter | Title or Short Title. | Extent of Repeal |
|---|---|---|
| 19 & 20 Vict. c 60. - | The Mercantile Law Amendment (Scotland) Act, 1856. | Section seven. |
| 19 & 20 Vict. c. 97. - | The Mercantile Law Amendment Act, 1856. | Section four |
| 28 & 29 Vict. c. 86. - | An Act to amend the law of partnership. | The whole Act. |

# CHAPTER 40.

An Act to extend the Provisions of the Factors Act, 1889, to Scotland. [14th August 1890.]

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

1. Subject to the following provisions, the Factors Act, 1889, shall apply to Scotland:— Application of 52 & 53 Vict. c. 45. to Scotland.

(1.) The expression "lien" shall mean and include right of retention; the expression "vendor's lien" shall mean and include any right of retention competent to the original owner or vendor; and the expression "set off" shall mean and include compensation.

(2.) In the application of section five of the recited Act, a sale, pledge, or other disposition of goods shall not be valid unless made for valuable consideration.

2. This Act may be cited as the Factors (Scotland) Act, 1890. Short title

# CHAPTER 41.

## An Act to further amend the Acts relating to the raising of Money by the London County Council, and for other purposes. [14th August 1890.]

WHEREAS the London County Council (in this Act referred to as "the Council") require to borrow the amounts hereinafter named within the times herein-after limited:

And whereas by the London Council (Money) Act, 1889 (in this Act referred to as "the Act of 1889"), the Council were empowered to raise certain sums of money for the purposes in the said Act mentioned, and limits of time and amount within which the powers by the said Act granted might be exercised were fixed: 52 & 53 Vict. c. 61.

And whereas the powers for the raising of money by the Act of 1889 conferred upon the Council have been partially exercised, but it is expedient that the Council should have power to raise certain further sums of money specified in the First Schedule to this Act annexed for the purposes, upon the terms, and subject to the limitations herein-after mentioned, and that the Act of 1889 should be amended:

And whereas it is expedient that the Council should be empowered to apply for the purpose of certain loans by the Council under this Act any money for the time being forming part of the Consolidated Loans Fund and not required for the payments of the dividends on consolidated stock:

And whereas it is expedient that the Council should after the issue of consolidated stock be empowered to pay certain parts of the dividends due thereon out of the money and in the manner by this Act prescribed:

And whereas it is expedient that the Council should be empowered to raise certain of the moneys which they are by this Act authorised to raise, and which it may be convenient to raise for a temporary period by the issue of bills with the consent of the Treasury for not less than three and not more than twelve months to be repaid out of money raised by the creation of consolidated stock under this Act:

And whereas it is expedient that the provisions with respect to unclaimed stock, unclaimed dividends on stock, and unclaimed money applicable to the redemption of stock, contained in the Metropolitan Board of Works (Money) Act, 1885, should be incorporated in this Act:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Short title

**1.** This Act may be cited as the London County Council (Money) Act, 1890; and the London Council (Money) Acts, 1875 to 1889, and this Act may be cited together as the London County Council (Money) Acts, 1875 to 1890.

Construction of Act

**2.** This Act shall be read and have effect as one with the Metropolitan Board of Works (Loans) Acts, 1869 to 1871, and the London Council (Money) Acts, 1875 to 1889, but all consolidated stock created by the Council shall be charged on the county rate in substitution for the consolidated rate.

Interpretation.

**3.** The expression "Parks and Open Spaces Acts" in this Act shall mean the enactments specified in the Second Schedule to this Act annexed.

The expression "Main Drainage Acts" in this Act shall have the same meaning as is assigned to the same term in the Metropolitan Board of Works (Loans) Act, 1869.

The expression "Artizans' and Labourers' Dwellings Improvement Acts" in this Act shall mean the enactments specified in the Third Schedule to this Act annexed, and includes any Act of the present session consolidating any of those Acts.

The expression "Electric Lighting Acts" in this Act shall mean the enactments specified in the Fourth Schedule to this Act annexed.

Amendment of 52 & 53 Vict. c. 61 ss. 6, 7, 8, 11, and 13.

**4.**—(i.) Sub-section (*b*) of section six of the Act of 1889 shall be read and construed as if the amount thereby authorised to be expended for the purposes of the Parks and Open Spaces Acts had been limited to a sum of sixty-eight thousand four hundred pounds instead of forty thousand pounds, and the Second Schedule of the Act of 1889 shall be read and construed as if the London Council (General Powers) Act, 1890, if it becomes law, had been included therein.

(ii.) Sub-section (*c*) of section six of the Act of 1889 shall be read and construed as if the amount thereby authorised to be expended for the purposes of the Metropolis Toll Bridges Act, 1877, including the cost of certain special works for the maintenance and repair of certain of the bridges acquired under the said Act, and the commutation of pensions, had been limited to a sum of three thousand pounds instead of two thousand pounds.

(iii.) Sub-section (*d*) of section six of the Act of 1889 shall be read and construed as if the amount thereby authorised to be expended for the purposes of the Metropolitan Bridges Act, 1881, and the Metropolitan Board of Works (Bridges) Act, 1884, had

been limited to a sum of fifty-one thousand pounds instead of seventeen thousand pounds.

(iv.) Sub-section (*g*) of section six of the Act of 1889 shall be read and construed as if the amount thereby authorised to be expended for the purposes of the Artizans' and Labourers' Dwellings Improvement Acts had been limited to a sum of fourteen thousand five hundred pounds and such further sum as the Treasury may approve, instead of two thousand five hundred pounds and such further sum as the Treasury may approve.

(v.) Sub-section (*l*) of section six of the Act of 1889 shall be read and construed as if the amount thereby authorised to be expended for the purposes of the Metropolitan Board of Works (Various Powers) Act, 1885, had been limited to a sum of one hundred and eighty-three thousand pounds instead of one hundred and sixty-six thousand pounds.

(vi.) Sub-section (*n*) of section six of the Act of 1889 shall be read and construed as if the amount thereby authorised to be expended for the purposes of the Metropolitan Board of Works (Various Powers) Act, 1887, had been limited to a sum of seven thousand pounds instead of one thousand pounds.

(vii.) Sub-section (*o*) of section six of the Act of 1889 shall be read and construed as if the amount thereby authorised to be expended for the purposes of the Metropolitan Board of Works (Various Powers) Act, 1888, had been limited to a sum of twenty-seven thousand pounds instead of ten thousand pounds.

(viii.) Section six of the Act of 1889 shall be read and construed as if an amount of one thousand pounds for the Chelsea Embankment, under the provisions of the London Parks and Works Act, 1887, had been thereby authorised to be expended.

(ix.) Section six of the Act of 1889 shall be read and construed as if an amount of thirty thousand pounds for the purposes of building houses, in connexion with the Artizans' and Labourers' Dwellings Improvement Acts, had been thereby authorised to be expended.

(x.) Section six of the Act of 1889 shall be read and construed as if an amount of twenty thousand pounds for the providing common lodging houses had been thereby authorised to be expended.

(xi.) Section six of the Act of 1889 shall be read and construed as if an amount of five thousand pounds for the purposes of the Electric Lighting Acts had been thereby authorised to be expended.

(xii.) Section six of the Act of 1889 shall be read and construed as if an amount of four thousand five hundred pounds for the enlargement of Hampstead Heath had been thereby authorised to be expended.

(xiii.) Section seven of the Act of 1889 shall be read and construed as if the amount thereby authorised to be expended had been limited to a sum of two hundred and eighty-three thousand pounds instead of two hundred and eleven thousand pounds.

(xiv) Sub-section (i.) of section eight of the Act of 1889 shall be read and construed as if the amount thereby authorised to be lent, and which vestries or district boards were thereby authorised

to borrow, had been limited to a sum of three hundred and fifty thousand pounds instead of three hundred thousand pounds.

(xv.) Sub-section (ii.) of section eight of the Act of 1889 shall be read and construed as if the amount thereby authorised to be lent, and which any corporation, commissioners, burial board, or other public body (not being a vestry, district board, or board of guardians, the Managers of the Metropolitan Asylum District, or the School Board for London), as therein defined, were thereby authorised to borrow had been limited to a sum of two hundred thousand pounds instead of one hundred thousand pounds.

(xvi.) Section eleven of the Act of 1889 shall be read and construed as if the amount which the council were thereby authorised to lend to the school board for London, and which the school board were thereby authorised to borrow had been limited to a sum of four hundred and fifty thousand pounds instead of three hundred and fifty thousand pounds.

(xvii.) Section thirteen of the Act of 1889 shall be read and construed as if the word "nine" in the third line of the second paragraph of that section were and always had been the word "eight."

Power to expend money for purposes of the London Council (General Powers) Act, 1890; the London Streets (Removal of Gates) Act, 1890.

**5.** The Council may up to the thirty-first day of December one thousand eight hundred and ninety-one, expend for the purposes herein-after mentioned such money as they think fit, not exceeding the amounts limited in relation to such purposes respectively:

(i.) For the purposes of the London Council (General Powers) Bill, 1890, if it becomes law, sixty-seven thousand pounds;

(ii.) For the purposes of the London Streets (Removal of Gates) Bill, 1890, if it becomes law, fifty pounds.

Power to expend money for sundry purposes during the year 1891.

**6.** The Council may during the year ending the thirty-first day of December one thousand eight hundred and ninety-one, expend for the purposes herein-after mentioned such moneys as they may think fit not exceeding the amounts limited in relation to such purposes respectively:

(*a.*) For the purposes of providing station-houses, fire-engines, fire-escapes, hydrants, fire-plugs, and permanent plant for the purposes of the Fire Brigade Act, 1865, fifty thousand pounds and such further sum as the Treasury may approve;

28 & 29 Vict. c. 90.

(*b.*) For the purposes of the Parks and Open Spaces Acts forty-five thousand pounds;

44 & 45 Vict. c. cxcii. 47 & 48 Vict. c. ccxxviii.

(*c.*) For the purposes of the Metropolitan Bridges Act, 1881, and the Metropolitan Board of Works (Bridges) Act, 1884, eight thousand pounds, provided that the money expended by the Council under the authority of this sub-section shall not, together with all money previously expended by the Metropolitan Board of Works and the Council for the said purposes, exceed seven hundred and ninety-one thousand pounds;

50 & 51 Vict. c. clxxii. 51 & 52 Vict. c. lvii.

(*d.*) For the purposes of the Thames Tunnel (Blackwall) Acts, 1887 and 1888, three hundred thousand pounds;

(*e.*) For the purposes of the Thames River (Prevention of Floods) Act, 1879, one thousand pounds, and such further sum as the Treasury may approve; 42 & 43 Vict. c. cxcviii.

(*f.*) For the purposes of the schemes made by the Metropolitan Board of Works under the authority of the Artizans' and Labourers' Dwellings Improvement Acts, two thousand five hundred pounds, and such further sum as the Treasury may approve;

(*g.*) For the purpose of building houses in connexion with the Artizans' and Labourers' Dwellings Improvement Acts, twenty thousand pounds;

(*h.*) For the purposes of providing common lodging houses fifteen thousand pounds;

(*i.*) For the purposes of the Metropolitan Street Improvements Act, 1877, two hundred pounds, and such further sum as the Treasury may approve, provided that the money expended by the Council under the authority of this sub-section, together with all money previously expended by the Metropolitan Board of Works and the Council for the said purposes, shall not exceed four millions three hundred thousand pounds; 40 & 41 Vict. c. ccxxxv.

(*j.*) For the purposes of the Metropolitan Street Improvements Act, 1883, five hundred pounds, provided that the money expended by the Council under the authority of this sub-section shall not, together with all money previously expended by the Metropolitan Board of Works and the Council for the said purposes, exceed seven hundred and eighty-two thousand seven hundred pounds; 46 & 47 Vict. c. clxxviii.

(*k.*) For the purposes mentioned in section one hundred and forty-four of the Metropolis Management Act, 1855, and section seventy-two of the Metropolis Management Amendment Act, 1862, and for the purposes of any improvement effected by the Council and sanctioned by Parliament, expenditure in relation to which is not otherwise specially provided for by this Act, one hundred thousand pounds; 18 & 19 Vict. c. 120. 25 & 26 Vict. c. 102.

(*l.*) For the purposes of the Metropolitan Board of Works (Various Powers) Act, 1885, one hundred and forty-nine thousand three hundred pounds; 48 & 49 Vict. c. cxii.

(*m.*) For the purposes of the Metropolitan Board of Works (Various Powers) Act, 1887, five hundred and fifty pounds; 50 & 51 Vict. c. cvi.

(*n.*) For the purposes of the Metropolitan Board of Works (Various Powers) Act, 1888, one thousand seven hundred pounds; 51 & 52 Vict. c. clvi.

(*o.*) For the purposes of the Metropolitan Improvements Act, 1889, seven thousand five hundred pounds. 52 & 53 Vict. c. cxlvii.

(*p.*) For the purposes of the Local Government Act, 1888, two hundred and seventeen thousand pounds. 51 & 52 Vict. c. 41.

(*q.*) For the purpose of acquiring a site for offices such a sum as the council, with the approval of the Treasury, may think fit.

(*r.*) For the purposes of the Electric Lighting Acts, five thousand pounds.

Provided always, that the money to be expended and the consolidated stock to be created by the Council for the purposes mentioned in this section respectively shall be raised and created by them from time to time in such amounts and at such times only as the Council shall actually require, and as the Treasury shall approve, for the said purposes respectively.

Special power to expend money for purposes of main drainage and main sewers.

**7.** The Council may during the year ending the thirty-first day of December one thousand eight hundred and ninety-one, expend for the purpose of adding to, extending, enlarging, improving, and completing the works authorised by the Main Drainage Acts, including precipitation works and appliances and vessels or barges for the removal of sludge, and for rendering such works and appliances, vessels, or barges efficient in such manner as to them may seem proper, and for extending, enlarging, and improving the main sewers transferred to and vested in the Council under and by virtue of the Metropolis Management Act, 1855, and the Local Government Act, 1888, and for making such other sewers and works, and such alterations and diversions of such existing main sewers as may to them seem proper for the purpose of relieving, supplementing, and rendering such main sewers efficient, and for carrying into effect the several provisions in relation thereto mentioned in the said Acts such money as they may think fit, not exceeding one hundred and thirty-three thousand three hundred pounds, in addition to any moneys which they are authorised to expend under any Acts passed previously to the passing of this Act, and all the provisions of the Main Drainage Acts and the Metropolis Management Act, 1855, and the Acts altering or amending the same for the time being in force relating to the execution of works authorised by the said Acts respectively, shall continue in force, and shall extend and apply respectively to the works executed by means of money raised for the purposes of this section, and all stock created under the authority of this Act for such purposes shall be deemed to be created for the purpose of the above-mentioned Acts respectively.

18 & 19 Vict. c. 20.
51 & 52 Vict. c. 41.

Power to lend to vestries, district boards, corporations, commissioners, burial boards or other public bodies.

**8.**—(i.) Where a vestry or district board constituted under the Metropolis Management Act, 1855, or any Act amending or extending the same, desire in pursuance of authority vested in them by Act of Parliament to borrow money for any purpose thereby authorised, then during the year ending the thirty-first day of December one thousand eight hundred and ninety-one, the Council may lend to the vestry or district board, and the vestry or district board may borrow from the Council such money as the Council think fit, and as the vestry or district board are authorised and desire to borrow, but the total amount of such loans shall not exceed three hundred thousand pounds.

(ii.) Where any corporation, commissioners, burial board, or other public body (not being a vestry or district board constituted as aforesaid, a board of guardians, the managers of the Metropolitan Asylum District, or the School Board for London) having power to levy directly or indirectly rates in respect of lands in the administrative county of London, or to make charges on rates leviable

in that county, or to take or charge within that county dues or impositions in the nature of rates, desire, in pursuance of authority vested in them by Act of Parliament, to borrow money for any purpose thereby authorised, then during the year ending the thirty-first day of December one thousand eight hundred and ninety-one, the Council may lend to the corporation, commissioners, burial board, or other public body, and they may borrow from the Council such money as the Council think fit, and as the corporation, commissioners, burial board, or other public body are authorised and desire to borrow; but the total amount of all such loans shall not exceed one hundred thousand pounds.

(iii.) Commissioners for public libraries and museums appointed or hereafter to be appointed under the Public Libraries Act, 1855, by the vestry of any parish in the administrative county of London, are hereby declared to be commissioners duly appointed, notwithstanding that such parish may be a parish in Schedule B. to the Metropolis Management Act, 1855, and any loan by the Council under this Act to commissioners so appointed, and any security given by such commissioners to the Council shall be deemed in all respects valid and effective, provided the sanction of the vestry and the Local Government Board be given to the borrowing by the commissioners. 18 & 19 Vict. c. 70.

(iv.) Money borrowed from and lent by the Council under this section may, notwithstanding anything in any other Act, be made repayable either in one sum or by instalments as the Council and the borrowers shall agree, and in either case shall be repaid to the Council with interest within such time after the borrowing as the borrowers, with the consent of the Local Government Board or the Treasury, as the case may be, where such consent is necessary to the borrowing, and the Council with the approval of the Treasury shall agree: Provided that the time after the borrowing within which such money shall be repaid to the Council shall not exceed in the case of a loan for the purpose of improvements in relation to streets or bridges, or for the purpose of purchase of land in fee simple, sixty years, and for any other purpose thirty years.

**Power to lend to boards of guardians. 18 & 19 Vict. c. 120.**

**9.** Where a board of guardians of a poor law union or parish wholly or for the greater part in the administrative county of London desire in pursuance of authority vested in them by Act of Parliament to borrow money for any purpose thereby authorised, then during the year ending the thirty-first day of December one thousand eight hundred and ninety-one, the Council may lend to the board of guardians, and the board of guardians may borrow from the Council, such money as the Council think fit, and as the board of guardians are authorised and desire to borrow, but the aggregate amount of all such loans shall not exceed two hundred thousand pounds.

Money borrowed from and lent by the Council under this section shall, notwithstanding anything in any other Act, be repaid to the Council with interest within such time after the borrowing as the borrowers, with the consent of the Local Government Board, and

the Council, with the approval of the Treasury, shall agree, not exceeding thirty years.

Extension of amount of loans to managers of Metropolitan Asylum District.

**10.** The Council may during the year ending the thirty-first day of December one thousand eight hundred and ninety-one lend to the managers of the Metropolitan Asylum District, in addition to the sums heretofore authorised to be lent by the Council to the said managers, such sums as the said managers are authorised by the Local Government Board to borrow in pursuance of any Act for the time being in force, not exceeding in the whole fifty thousand pounds, as though the said sums were included in the amount authorised to be lent for such purposes by section thirty-seven of the Metropolitan Board of Works (Loans) Act, 1869, and the Acts amending the same.

32 & 33 Vict. c. 102.

Power to lend to School Board for London.

**11.** Where the School Board for London desire, in pursuance of authority vested in them by Act of Parliament, to borrow money for any purpose thereby authorised, then during the year ending the thirty-first day of December one thousand eight hundred and ninety-one, the Council may lend and the School Board may borrow from the Council such money as the Council think fit, and as the School Board are authorised and desire to borrow, not exceeding five hundred thousand pounds.

Money borrowed from and lent by the Council under this section shall, notwithstanding anything in any other Act, be repaid to the Council with interest within such time after the borrowing, not exceeding fifty years, as the School Board, with the sanction (as the case may require) of the Education Department, or of a Secretary of State, and the Council, with the approval of the Treasury, shall agree.

Power to lend to the Vestry of St. Pancras.

**12.** The Council may, during the year ending the thirty-first day of December one thousand eight hundred and ninety-one, lend to the Vestry of Saint Pancras, and the Vestry of Saint Pancras may borrow from the Council for the purposes authorised by the Saint Pancras Loans Amendment Act, 1887, such money as the Council think fit, and as the Vestry of Saint Pancras are authorised and desire to borrow; provided that the money lent by the Council and borrowed by the Vestry of Saint Pancras under this section shall not, together with all money previously lent by the Council and borrowed by the Vestry of Saint Pancras for the said purposes, exceed one hundred and ten thousand pounds.

Money may be borrowed from and lent by the Council under this section in addition to any money borrowed from or lent by the Council under section eight of this Act, and may be made repayable either in one sum or by instalments as the Council and the Vestry of Saint Pancras shall agree, and in either case shall be repaid to the Council with interest within such time after the borrowing, not exceeding fifty years, as the Council and the Vestry of Saint Pancras, with the approval of the Treasury, shall agree.

Protection of Council in case of certain loans.

**13.** Where, under the authority of this or any other Act, the Council lend any money to any corporation, body of commissioners, public body, or persons, the exercise of whose powers of borrowing

is subject to the consent of the Local Government Board, the sanction of that Board to the borrowing of such money shall in every such case be conclusive evidence that such corporation, body of commissioners, public body, or persons had power to borrow such money.

Power to raise consolidated stock.

**14.** In order to raise the money for the several purposes for which the Council are by this Act authorised to expend or lend money, the Council may from time to time create consolidated stock. Provided always, that—

(i.) Where the Council under the authority of this Act create consolidated stock to raise money for the purpose of the Fire Brigade Act, 1865, or to enable them to make a loan repayable within a period not exceeding thirty years from the date of such loan, the Council shall from time to time carry to the Consolidated Loans Fund such sums as the Treasury approve, as being in their opinion sufficient to redeem within the period of thirty years from the date of the creation of such stock, or in the case of any such loan within any less period for which the same may be made, an amount of consolidated stock equal to that so created; and

(ii.) Where the Council are by this Act authorised to make a loan the Council, instead of raising money for any such loan by the creation of consolidated stock, may use for any such loan any money for the time being forming part of the Consolidated Loans Fund and not required for the payment of the dividends on consolidated stock. Provided that no such money shall be used for any loan repayable at a date later than the date at which the consolidated stock redeemable by means of the money so used is required to be redeemed.

(iii.) Where the Council are authorised by this Act to raise money for any purpose, the Council, instead of raising such money by the creation of consolidated stock, may, with the approval of the Treasury, use for such purpose any money for the time being forming part of the Consolidated Loans Fund, and not required for the payment of the dividends on consolidated stock. Provided that no such money shall be so used unless provision shall be made in such manner as the Treasury approve for repaying the same to the Consolidated Loans Fund at or before the date at which consolidated stock redeemable by means of such money is required to be redeemed at par, and in every such case the Council shall raise, as part of the county rate, such sums as the Treasury approve as being in their opinion sufficient for the repayment at or before the date aforesaid of the money used for such purpose, and for the payment of the interest on the money so used, and such sums shall be carried by the Council to the Consolidated Loans Fund.

(iv.) Where the Council raise consolidated stock for the purpose of any scheme made by the Board or the Council under the authority of the Artizans' and Labourers' Dwellings Improvement Acts, all money required for payment of dividends on, and the redemption of all consolidated stock created for such

purpose, shall be charged to the special county account to which the expenditure for the purposes of the said Acts is chargeable.

Power for Council after issue of stock to apply money raised by stock to make up dividends from fixed dates

**15.** The Council may within twelve months after the issue of any consolidated stock, carry to the dividend account in the Consolidated Loans Fund for the purpose of providing for the payment of dividends on such stock from the dates fixed at the time of such issue, though the same may be earlier than the dates fixed for receiving the cash instalments on account of such loan, so much of the money arising from the issue of such stock as they may require for that purpose, and as the Treasury approve, and may apply the money so carried to such dividend account to the payment of such dividends.

Council may raise money by bills

**16.** Notwithstanding anything in this Act, or in any other Act relating to the Council, the Council may at such times, and upon such terms as the Treasury approve, raise any part of the money which they are by this Act authorised to raise, not exceeding in the whole the sum of five hundred thousand pounds, by the issue of bills under this Act.

Form and length of currency and interest on metropolitan bills

**17.** A bill under this Act (in this Act referred to as a "metropolitan bill") shall be a bill in form prescribed by regulations made in pursuance of this Act for the payment of the sum named therein in the manner and at the date therein mentioned, so that the date be not less than three nor more than twelve months from the date of the bill. Interest shall be payable in respect of a metropolitan bill at such rate and in such manner as the Council, with the consent of the Treasury, may direct.

Payment and applications of proceeds of metropolitan bills and charge of bills on county rate

**18.** All moneys raised by the issue of any metropolitan bills shall be paid to the Council, and shall be expended by them for the purposes for which the same are by this Act authorised to be raised respectively The principal money and interest expressed in any metropolitan bill to be payable shall be charged on the county rate, and shall be payable out of the said rate, or as regards principal out of moneys raised by the creation of consolidated stock under this Act for the purpose for which such principal money has been expended, and as regards interest out of the Consolidated Loans Fund.

46 & 47 Vict. c 27 ss 18, 19, 21, 22 to apply to metropolitan bills under this Act

**19.** The provisions contained in sections eighteen and nineteen and sections twenty-one and twenty-two of the Metropolitan Board of Works (Money) Act, 1883, with respect to metropolitan bills as defined by that Act, shall extend and apply with respect to metropolitan bills as defined by this Act, and for the purpose of such application the expressions "this Act" and "metropolitan bill" in the said sections shall be construed to mean respectively this Act and metropolitan bill as defined by this Act.

Power to create consolidated stock partially suspended while metropolitan bills authorised to be raised.

**20.** For the repayment of the principal money due on metropolitan bills, the Council may, by the creation of consolidated stock, raise any sum which by this Act they are authorised to apply to the purposes for which such principal money has been expended, but, save as aforesaid, the powers given to the Council by this Act

to raise moneys by the creation of consolidated stock shall be suspended to the extent to which moneys are for the time being authorised to be raised by the issue of metropolitan bills.

**21.** The limitation on the borrowing power of the Council contained in section thirty-eight of the Metropolitan Board of Works (Loans) Act, 1869, shall not extend to money raised by the Council in conformity with and for purposes mentioned in this Act.

32 & 33 Vict. c. 102. s. 38 not to extend to money raised under Act.

**22.** All sums received by the Council in respect of interest on or principal of any loan made by them under this Act shall be carried to the Consolidated Loans Fund.

Repayments carried to Consolidated Loans Fund.

**23.** During the year ending the thirty-first day of December one thousand eight hundred and ninety-one the Council shall not (except for such temporary period not exceeding six months as the Treasury may sanction) raise otherwise than in conformity with and to the extent mentioned in this Act any money under any powers of borrowing conferred upon the Council either by this Act or any other Act whatsoever: Provided always, that the limitations contained in this section shall not extend to limit or control the raising of money under the authority of section thirty-four of the Metropolitan Board of Works (Loans) Act, 1869, or of section eight of the Metropolitan Board of Works (Loans) Act, 1875, for the purposes in the said sections respectively mentioned.

Limit to exercise of borrowing powers.

32 & 33 Vict. c. 102. 38 & 39 Vict. c 65.

**24.** Notwithstanding any provision contained in any Act of Parliament, the prescribed period within which the Council shall absolutely sell and dispose of any lands acquired by the Council and not required by them under any Act of Parliament passed in or subsequently to the year one thousand eight hundred and eighty-nine shall be the first day of September one thousand nine hundred and forty-nine, being the date at which the consolidated stock raised to defray the expenses of the Council incurred under any such Act is by law required to be redeemed. Provided always that the Council may sell and dispose of any such superfluous lands at any time within the said period, but moneys received from the sale or disposal thereof shall (except where otherwise specially provided by any Act) be carried by the Council to the Consolidated Loans Fund.

As to sale of superfluous lands.

**25.** Notwithstanding the provisions contained in the Metropolis Toll Bridges Act, 1877, the Metropolitan Bridges Act, 1881, the Metropolitan Board of Works Bridges Acts, 1883 and 1884, the Metropolitan Board of Works (Various Powers) Act, 1885, the Thames Tunnel (Blackwall) Acts, 1887 and 1888, the Council shall carry to the Consolidated Loans Fund all moneys arising from the sale, lease, or other disposition of lands, rents, or property, or from the sale of materials, or from any other source under the said Acts.

Receipts to be carried to Consolidated Loans Fund.

**26.** Sections twenty-seven to forty-three, inclusive, of the Metropolitan Board of Works (Money) Act, 1885, shall be deemed to be incorporated with this Act.

Incorporation of sections 27 to 43 of 48 & 49 Vict. c 50.

# SCHEDULES.

## FIRST SCHEDULE.

### NEW MONEY POWERS CONFERRED IN THIS ACT.

| Section of Act. | Purpose. | Amount. |
|---|---|---|
| | SUPPLEMENTAL UP TO 31ST DECEMBER 1890. | £ |
| Sec. 4.: | | |
| Sub-sec. (i.) - | Parks and Open Spaces (amount already sanctioned, 40,000*l.*) - - - - - - | 28,400 |
| „ (ii.) - | Bridges under Acts of 1877 (amount already sanctioned, 2,000*l.*) - - - - - | 1,000 |
| „ (iii.) - | Bridges under Acts of 1881 and 1884 (amount already sanctioned, 17,000*l.*) - - - | 34,000 |
| „ (iv.) - | Artizans' and Labourers' Dwellings Improvement Acts (amount already sanctioned, 2,500*l.*) - | 12,000 |
| „ (v.) - | Various Powers Act, 1885 (amount already sanctioned, 166,000*l.*) - - - - | 17,000 |
| „ (vi.) - | Various Powers Act, 1887 (amount already sanctioned, 1,000*l.*) - - - - - | 6,000 |
| „ (vii.) - | Various Powers Act, 1888 (amount already sanctioned, 10,000*l.*) - - - - - | 17,000 |
| „ (viii.) | Chelsea Embankment (London Parks and Works Act, 1887) - - - - - | 1,000 |
| „ (ix.) - | Artizans' Dwellings (building houses) - - | 30,000 |
| „ (x.) - | Common Lodging Houses - - - - | 20,000 |
| „ (xi.) - | Electric Lighting Acts - - - - | 5,000 |
| „ (xii.) - | Hampstead Heath enlargement - - - | 4,500 |
| „ (xiii.) | Main Drainage (amount already sanctioned, 211,000*l.*) - - - - - | 72,000 |
| „ (xiv.) | Loans to vestries and district boards (amount already sanctioned, 300,000*l.*) - - - | 50,000 |
| „ (xv.) - | Loans to other public bodies (amount already sanctioned, 100,000*l.*) - - - - | 100,000 |
| „ (xvi.) | Loans to School Board for London (amount already sanctioned, 350,000*l.*) - - - - | 100,000 |
| | UP TO 31ST DECEMBER 1891. | |
| Sec. 5.: | | |
| Sub-sec. (i.) - | London Council General Powers Bill, 1890 (if it becomes Law) - - - - - | 67,000 |
| „ (ii.) - | London Streets (Removal of Gates) Bill, 1890 (if it becomes Law) - - - - - | 50 |
| | 1ST JANUARY TO 31ST DECEMBER 1891. | |
| Sec. 6.: | | |
| Sub-sec. (*a.*) - | Fire Brigade - - - - - | 50,000 |
| „ (*b.*) - | Parks and Open Spaces Acts - - - | 45,000 |
| „ (*c.*) - | Bridges under Acts of 1881 and 1884 - - | 8,000 |
| „ (*d.*) - | Thames Tunnel (Blackwall) - - - | 300,000 |
| „ (*e.*) - | Thames River Prevention of Floods - - | 1,000 |
| „ (*f.*) - | Artizans' and Labourers' Dwellings Improvement Acts - - - - - - | 2,500 |
| „ (*g.*) - | Artizans' and Labourers' Dwellings Improvement Acts (building houses) - - - - | 20,000 |
| „ (*h.*) - | Common Lodging Houses - - - - | 15,000 |
| „ (*i.*) - | Streets under Act of 1877 - - - - | 200 |
| „ (*j.*) - | Streets under Act of 1883 - - - - | 500 |
| „ (*k.*) - | Improvements under the Metropolis Management Act, 1855, the Metropolis Management Amendment Act, 1862, and including improvements sanctioned by Parliament, for which no provision is elsewhere made in this Bill - - - | 100,000 |
| „ (*l.*) - | Various Powers Act, 1885 - - - - | 149,300 |

| Section of Act. | Purpose. | | Amount. |
|---|---|---|---|
| Sec. 6.—*cont.* | | | £ |
| Sub-sec. (*m.*) - | Various Powers Act, 1887 - - - - | | 550 |
| „ (*n.*) - | Various Powers Act, 1888 - - - - | | 1,700 |
| „ (*o.*) - | Metropolitan Improvements Act, 1889 - - | | 7,500 |
| „ (*p.*) - | Local Government Act, 1888 - - - | | 217,000 |
| „ (*r.*) - | Electric Lighting Acts - - - - | | 5,000 |
| Sec. 7. - - | Main Drainage (including Precipitation Works) - | | 133,300 |
| Sec. 8.: | | | |
| Sub-sec. (i.) - | Loans to vestries and district boards - - | | 300,000 |
| „ (ii.) - | Loans to other public bodies - - - | | 100,000 |
| Sec. 9. - - | Loans to guardians - - - - | | 200,000 |
| „ 10. - - | Loans to managers of Metropolitan Asylums District | | 50,000 |
| „ 11. - - | Loans to School Board for London - - | | 500,000 |
| „ 12. - - | Loans to vestry of St. Pancras - - - | | 110,000 |
| | Amounts included above, which are regrants of borrowing powers previously granted— | £ | |
| | Fire Brigade - - - - | 24,466 | |
| | Parks and Open Spaces - - | 43,367 | |
| | Bridges under Act of 1877 - - | 1,000 | |
| | Bridges under Acts of 1881 and 1884 - | 42,000 | |
| | Chelsea Embankment (London Parks and Works Act) - - - - | 1,000 | |
| | Thames Tunnel (Blackwall) - - | 300,000 | |
| | Thames River Prevention of Floods - | 356 | |
| | Artizans' Dwellings - - - | 9,055 | |
| | Streets under Act of 1877 - - | 40 | |
| | Streets under Act of 1883 - - | 500 | |
| | Improvements under the Metropolis Management Act, 1855, the Metropolis Management Amendment Act, 1862, and including improvements sanctioned by Parliament for which no provision is elsewhere made in this Bill - - | 62,307 | |
| | Various Powers Act, 1885 - - | 166,300 | |
| | Various Powers Act, 1887 - - | 6,550 | |
| | Various Powers Act, 1888 - - | 18,700 | |
| | Metropolitan Improvement Act of 1889 - | 7,000 | |
| | Local Government Act, 1888 - - | 217,000 | |
| | Hampstead Heath Enlargement - - | 4,500 | |
| | Main Drainage (including Precipitation Works) - - - - | 113,719 | |
| | Loans to vestries and district boards - | 226,578 | |
| | Loans to other public bodies - - | 93,850 | |
| | Loans to Guardians - - - | 53,200 | |
| | Loans to Metropolitan Asylums District - | 26,708 | |
| | Loans to School Board for London - | 86,448 | |
| | Loans to Vestry of St. Pancras - - | 110,000 | |
| | | | 1,614,644 |
| | New Borrowing Powers— £ | | |
| | For Council { For 1890 - 57,945; For 1891 - 295,695 } | 353,640 | 1,266,856 |
| | For Loans { For 1890 - 19,702; For 1891 - 893,514 } | 913,216 | |

## SECOND SCHEDULE.

Sections 3 and 6.

### PARKS AND OPEN SPACES ACTS.

The Finsbury Park Act, 1857, 20 & 21 Vict. c. cl.
„ Gardens in Towns Protection Act, 1863, 26 Vict. c. 13.

The Southwark Park Act, 1864, 27 Vict. c. iv.
" Metropolitan Commons Act, 1866, 29 & 30 Vict. c. cxxii.
" " " Amendment Act, 1869, 32 & 33 Vict. c. 107.
" Hampstead Heath Act, 1871, 34 & 35 Vict. c. lxxvii.
" Metropolitan Commons Supplemental Act, 1871 (Blackheath), 34 & 35 Vict. c. lvii.
" " " " " 1871 (Shepherd's Bush), 34 & 35 Vict. c. lxiii.
" " " " " 1872 (Hackney Commons), 35 & 36 Vict. c. xliii.
" " " " " 1873 (Tooting Beck Common), 36 & 37 Vict. c. lxxxvi.
" Leicester Square Act, 1874, 37 Vict. c. x.
" Metropolitan Board of Works Act, 1874 (Finsbury Park), 37 & 38 Vict. c. xcvii.
" " " " (Various Powers) Act, 1875 (Tooting Graveney Common and Finsbury Park), 38 & 39 Vict. c. clxxix. s. 14.
" Metropolitan Open Spaces Act, 1877, 40 & 41 Vict. c. 35.
" Metropolitan Board of Works Act, 1877 (Forest Hill Recreation Ground Byelaws, &c.), 40 Vict. c. viii.
" Metropolitan Commons Supplemental Act, 1877 (Clapham Common and Bostal Heath), 40 & 41 Vict. c. cci.
" Metropolitan Commons Act, 1878, 41 & 42 Vict. c. 71.
" Plumstead Common Act, 1878 (Plumstead Common and Shoulder of Mutton Green), 41 & 42 Vict. c. cxlv.
" Wormwood Scrubs Act, 1879, 42 & 43 Vict. c. clx.
" Metropolitan Commons Supplemental Act, 1881 (Brook Green, Eel Brook Common, &c.), 44 Vict. c. xviii.
" Metropolitan Board of Works (Hackney Commons) Act, 1881, 44 & 45 Vict. c. cxlviii.
" Metropolitan Open Spaces Act, 1881, 44 & 45 Vict. c. 34.
" Metropolitan Board of Works (Various Powers) Act, 1882 (Peckham Rye, &c., and Tooting Beck), 45 & 46 Vict. c. lvi.
" Metropolitan Commons Supplemental Act, 1884 (Streatham Common), 47 & 48 Vict. c. ii.
" Metropolitan Board of Works (Various Powers) Act, 1884 (Plumstead Common and Hackney Commons), 47 & 48 Vict. c. cxxxiii.
" Metropolitan Board of Works (Various Powers) Act, 1885 (Highbury Fields, Dulwich Park, and Plumstead Common), 48 & 49 Vict. c. clxvii.
" Metropolitan Board of Works (Various Powers) Act, 1886 (Little Wormwood Scrubs and Dulwich Park), 49 & 50 Vict. c. cxii.
" Hampstead Heath Enlargement Act, 1886, 50 Vict. c. xli.
" Metropolitan Board of Works (Various Powers) Act, 1887 (Wandsworth Common, Bostal Heath, Brook Green, Ravenscourt Park, Penge Recreation Ground and W.C.'s in Parks, &c.), 50 & 51 Vict. c. cvi.
" Open Spaces Act, 1887, 50 & 51 Vict. c. 32.
" London Parks and Works Act, 1887 (Victoria Park, Battersea Park, Kennington Park, Bethnal Green Museum Garden), 50 & 51 Vict. c. 34.
" Clissold Park (Stoke Newington) Act, 1887, 50 & 51 Vict. c. cxxxvii.

The Metropolitan Board of Works (Various Powers) Act, 1888 (Kennington Park, Dulwich Park, Lands at Lewisham), 51 & 52 Vict. c. clvi.

„ Hampstead Heath Enlargement Act, 1888, 51 & 52 Vict. c. cli.

„ Metropolitan Improvements Act, 1889 (Clissold Park, Tench Street Playground, Whitfield's Tabernacle, Shaftesbury Avenue, and Piccadilly Circus ornamental enclosures, Myatts Fields), 52 & 53 Vict. c. cxlvii.

„ London Council (General Powers) Act, 1890 (Brockwell Park, Waterlow Park, North Woolwich Gardens), 53 & 54 Vict. cap. ccxliii.

## THIRD SCHEDULE.

ARTIZANS' AND LABOURERS' DWELLINGS IMPROVEMENT ACTS. Sections 3 and 6.

| | | | |
|---|---|---|---|
| 1868 | 31 and 32 Vict. - | C. 130 - | The Artizans' and Labourers' Dwellings Act. |
| 1875 | 38 and 39 Vict. - | C. 36 - | The Artizans' and Labourers' Dwellings Improvement Act. |
| 1876 | 39 and 40 Vict. - | Ch. cc - | Whitechapel and Limehouse Scheme. |
| 1877 | 40 and 41 Vict. - | Ch. ciii - | Goulston Street and Flower-and-Dean Street, Whitechapel, Scheme — St. George-the-Martyr, Southwark, Scheme, and Bedfordbury, St. Martin-in-the-Fields, &c., Scheme. |
| 1877 | 40 and 41 Vict. - | Ch. cxxxiii - | Great Wild Street, St. Giles-in-the-Fields, Scheme— Pear Tree Court, Clerkenwell, Scheme—Whitecross Street, St. Luke, Scheme—High Street, Islington, Scheme, and Old Pye Street, Westminster, Scheme. |
| 1878 | 41 and 42 Vict. - | Ch. cxii - | Bowman's Buildings, Marylebone, Scheme, and Essex Road, Islington, Scheme. |
| 1879 | 42 and 43 Vict. - | Ch. lxxix - | Little Coram Street, St. Giles, &c., Scheme—Wells Street, Poplar, Scheme, and Great Peter Street, Westminster, Scheme. |
| 1879 | 42 and 43 Vict. - | Ch. lxxx - | Whitechapel and Limehouse (Modification) Scheme. |
| 1879 | 42 and 43 Vict. - | C. 63 - | The Artizans' and Labourers' Dwellings Improvement Act. |
| 1879 | 42 and 43 Vict. - | C. 64 - | The Artizans' and Labourers' Dwellings Act, 1868, Amendment Act. |
| 1880 | 43 Vict. - - | C. 8 - - | An Act to amend the Artizans' and Labourers' Dwellings Act, 1868, Amendment Act, 1879. |
| 1880 | 43 and 44 Vict. - | Ch. cxxxi - | High Street, Islington (Modification), Scheme. |
| 1882 | 45 and 46 Vict. - | C. 54 - | The Artizans' Dwellings Act. |
| 1883 | 46 and 47 Vict. - | Ch. xciv - | Tench Street, St. George-in-the-East, Scheme. |
| 1883 | 46 and 47 Vict. - | Ch. xcv - | Brook Street, Limehouse, Scheme. |
| 1883 | 46 and 47 Vict. - | Ch. xcvi - | Windmill Row, New Cut, Lambeth, Scheme. |
| 1883 | 46 and 47 Vict. - | Ch. xcvii - | Trafalgar Road, Greenwich, Scheme. |
| 1885 | 48 and 49 Vict. - | Ch. xcix - | Hughes Fields, Deptford, Scheme. |
| 1885 | 48 and 49 Vict. - | Ch. c - | Tabard Street, Newington, Scheme. |
| 1885 | 48 and 49 Vict. - | C. 72 - | The Housing of the Working Classes Act. |
| 1886 | 49 and 50 Vict. - | Ch. cxii - | Metropolitan Board of Works (Various Powers) Act (Goulston Street, &c., Scheme). |
| 1887 | 50 and 51 Vict. - | Ch. ci - | Cable Street, Shadwell, Scheme. |
| 1887 | 50 and 51 Vict. - | Ch. cii - | Shelton Street, St. Giles', Scheme. |
| 1888 | 51 and 52 Vict. - | Ch. xxxii - | The Metropolis (Whitechapel and Limehouse) Provisional Order Confirmation Act. |

## FOURTH SCHEDULE.

Sections 3 and 6.

### ELECTRIC LIGHTING ACTS.

| | | | |
|---|---|---|---|
| 1882 | 45 and 46 Vict. - | C. 56 - | Electric Lighting Act. |
| 1888 | 51 and 52 Vict. - | C. 12 - | Electric Lighting Act. |
| 1889 | 52 and 53 Vict. - | C. clxxviii - | Electric Lighting Orders Confirmation (No. 2) Act. (London Electric Supply Corporation Electric Lighting Order, 1889; Westminster Electric Lighting Order, 1889.) |
| 1889 | 52 and 53 Vict. - | C. clxxix - | Electric Lighting Orders Confirmation (No. 3) Act. (House to House Electric Light Supply Order, 1889; Kensington and Knightsbridge Electric Lighting Order, 1889; Notting Hill Electric Lighting Order, 1889; South Kensington Electric Lighting Order, 1889.) |
| 1889 | 52 and 53 Vict. - | C. clxxx - | Electric Lighting Order Confirmation (No. 4) Act. (St. Martin Electric Lighting Order, 1889.) |
| 1889 | 52 and 53 Vict. - | C. clxxxi - | Electric Lighting Orders Confirmation (No. 5) Act. (Metropolitan Electric Supply Company (Mid London) Lighting Order, 1889; Metropolitan Electric Supply Company (West London) Lighting Order, 1889.) |
| 1889 | 52 and 53 Vict. - | C. cxcvi - | Metropolitan Electric Lighting Act. |

# CHAPTER 42.

An Act to remove certain doubts which have arisen under the Reserve Forces Act, 1882, and for other purposes connected therewith. [14th August 1890.]

WHEREAS certain men engaged in railway, post office, or telegraph service, and being volunteers, have been enlisted in Her Majesty's regular forces, and immediately upon such enlistment been transferred, under the Army Act, 1881, to the reserve, and have been attached as supernumeraries to a volunteer corps, and doubts have arisen as to whether such enlistment, transfer, and attachment are authorised by law, and it is expedient to remove such doubts:

44 & 45 Vict. c. 58.

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Authority to transfer men to reserve immediately on enlistment.

1. It is hereby declared that regulations of a Secretary of State under the Army Act can authorise any man having the special qualifications prescribed by those regulations to be enlisted in any of Her Majesty's regular forces, and immediately upon such enlistment to enter the reserve.

Training of reserve men with volunteers.

2. Subject to any order or regulations under the Reserve Forces Act, 1882, any man belonging to the Army Reserve may be attached

to a volunteer corps for the purpose of drill or training, and while so attached shall for the purposes of the Volunteer Acts, 1863 and 1869, and any Acts amending the same, be a volunteer of such corps without prejudice to his position as a man belonging to the Army Reserve. 45 & 46 Vict. c. 58. 26 & 27 Vict. c. 65. 32 & 33 Vict. c. 81.

**3.** Any enlistment, transfer to the Army Reserve, or attachment to a volunteer corps of any man which was effected before the passing of this Act, and would have been valid if done subsequently to the passing of this Act, shall be deemed to have been valid. Saving.

**4.** This Act shall be construed as one with the Reserve Forces Act, 1882, and that Act and this Act may be cited together as the Reserve Forces Acts, 1882 and 1890, and this Act may be cited as the Reserve Forces Act, 1890. Short title and construction.

# CHAPTER 43.

## An Act to amend the Law in regard to the Education of Blind and Deaf-mute Children in Scotland.

[14th August 1890.]

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

**1.** This Act may be cited as the Education of Blind and Deaf-mute Children (Scotland) Act, 1890; and shall be construed as one with the Education (Scotland) Acts, 1872 to 1883. Short title and construction.

**2.** This Act shall extend to Scotland only, and shall come into operation on the first day of January one thousand eight hundred and ninety-one. Extent and commencement of Act.

**3.** If the parent of a blind or deaf-mute child between five and sixteen years of age is from poverty unable to pay for the education of such child as herein-after mentioned, it shall be the duty of the school board of the parish or burgh in which such parent resides, to provide out of the school fund at rates to be approved of by the Scotch Education Department for the efficient elementary education of such child in reading, writing, and arithmetic, and for his industrial training either in a school belonging to such school board, or in some other school or institution approved of by the Scotch Education Department; and where necessary the school board shall be bound to provide for the boarding of the child at some place approved of by the school board, and for the transit of such child to and from such school or institution or place, at rates to be approved of by the Scotch Education Department. Duty of school board, where parent unable, to provide education, &c., for blind and deaf-mute children. Procedure for enforcement of duty.

Provided that—

(1.) Where a school board making any payment in pursuance of this section is not the school board of the parish in which the parent of any such child, as aforesaid, has his legal settlement

in terms of the Act eighth and ninth Victoria, chapter eighty-three, it shall be entitled to relief in respect of any such payment against the school board of the parish in which such parent has his legal settlement as aforesaid, and

(2.) If any school board shall refuse or delay to discharge any duty or fulfil any obligation arising under this section, it may, on a summary application to the sheriff at the instance of any person interested, be ordained to do so, and the order of the sheriff, which may dispose of all questions of expenses, shall be final and not subject to review.

Contribution, &c by school board towards school for blind and deaf-mute children

**4.** Any school board may also, from time to time, with the consent of the Scotch Education Department, contribute such sums of money and on such conditions as it may think fit towards, or itself undertake, the establishment, building, alteration, and management of, a school for the education of blind and deaf-mute children, and the purchase of land required for such a school, and the support of the inmates thereof, and for that purpose shall have the same powers as it has for the purpose of providing sufficient school accommodation for its district; and school boards shall have the same power of borrowing, and the Public Works Loan Commissioners of lending, for the purposes of contributing towards or of establishing, building, or enlarging such a school, as is conferred by section forty-five of the Education (Scotland) Act, 1872, with respect to providing or enlarging a school house.

35 & 36 Vict. c. 45.

Meaning of "reasonable excuse." 46 & 47 Vict. c. 56.

**5.** It shall not be deemed to be by itself a reasonable excuse, within the meaning of sections nine, ten, and eleven of the Education (Scotland) Act, 1883, for the non-attendance of a child at school that such child is blind or a deaf-mute, except in the case of a deaf-mute child under seven years of age.

Regard to be had to religious persuasion of child.

**6.**—(1.) In the performance of its duty under this Act with respect to a child, a school board shall have regard to the religious persuasion of the child, and shall, as far as possible, arrange that if the child attends a school or institution, not being a public school, the school or institution shall be one conducted in accordance with the same religious persuasion; and if the child is boarded out, shall arrange for the boarding out being with a person belonging to the same religious persuasion.

(2.) A child shall in no case be compelled to receive religious instruction contrary to the wishes of its parent.

Saving as to rights of parent, &c.

**7.**—(1.) The parent of a blind or deaf-mute child shall not by reason of any payment made under this Act in respect of the child be deprived of any franchise, right, or privilege, or be subject to any disability or disqualification.

(2.) Payments under this Act shall not be made on condition of a child attending any school or institution other than such as may be reasonably selected by the parent, nor refused because the child attends or does not attend any particular school or institution.

Inspection of schools, &c

**8.** Every school or institution to which a child is sent in pursuance of this Act shall be at all times open to the inspection of any of Her Majesty's inspectors of schools.

**9.** Nothing in any Act of Parliament shall prevent the Scotch Education Department from giving aid from the parliamentary grant to a school or institution in respect of education and industrial training given to blind or deaf-mute children, to such amount and on such conditions as may be directed by or in pursuance of the minutes of the Scotch Education Department in force for the time being.

Parliamentary grant for education of blind and deaf-mute children.

# CHAPTER 44.

## An Act to amend the Supreme Court of Judicature Acts.

[14th August 1890.]

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

**1.** From and after the commencement of this Act every motion for a new trial, or to set aside a verdict, finding, or judgment, in any cause or matter in the High Court in which there has been a trial thereof, or of any issue therein with a jury shall be heard and determined by the Court of Appeal and not by a divisional court of the High Court: Provided always, that such motions shall be heard and determined before not less than three judges of the Court of Appeal sitting together.

Motions for new trial.

This section shall extend to every such motion of which notice may have been given, whether before or after the passing of this Act, but which has not been heard before the commencement of this Act.

**2.** Every motion for judgment in any such cause or matter shall be heard and determined by the judge before whom such trial with a jury took place, and not by a divisional court, unless it be impossible or inconvenient that such judge should act, in which case such motion shall be heard and determined by some other judge to be nominated by the President of the Division to which the cause or matter belongs.

Motions for judgment.

**3.** The power of making rules conferred by the Supreme Court of Judicature Act, 1873, and the Acts amending the same shall extend to this Act.

Power to make rules.

**4.** Nothing in this Act shall alter the practice in any criminal cause or matter or in bankruptcy, or in proceedings on the Crown side of the Queen's Bench Division.

Criminal and bankruptcy matters.

**5.** Subject to the Supreme Court of Judicature Acts, and the rules of court made thereunder, and to the express provisions of any Statute, whether passed before or after the commencement of this Act, the costs of and incident to all proceedings in the Supreme Court, including the administration of estates and trusts, shall be

Costs.

in the discretion of the court or judge, and the court or judge shall have full power to determine by whom and to what extent such costs are to be paid.

Extent of Act.

6. This Act shall not apply to Ireland or Scotland.

Commencement and short title.

7. This Act shall commence on the twenty-fourth day of October one thousand eight hundred and ninety, and may be cited for all purposes as the Supreme Court of Judicature Act, 1890.

# CHAPTER 45.

An Act to make provision respecting the Pensions, Allowances, and Gratuities of Police Constables in England and Wales, and their Widows and Children, and to make other provisions respecting the Police of England and Wales. [14th August 1890.]

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

## PART I.

### *Superannuation of Constables.*

Right of constables to pensions.

1. Subject to the provisions of this Act, every constable in a police force—

(*a.*) if he has completed not less than twenty-five years approved service, and, where a limit of age is prescribed by the pension scale in force under this Act, is of an age not less than the age so prescribed, shall, on the expiration of such time not exceeding four months after he has given written notice to the police authority of his desire to retire as the police authority may fix, be entitled without a medical certificate to retire and receive a pension for life; and,

(*b.*) if after he has completed fifteen years approved service he is incapacitated for the performance of his duty by infirmity of mind or body, shall be entitled on a medical certificate to retire and receive a pension for life; and,

(*c.*) if before he has completed fifteen years approved service he is incapacitated for the performance of his duty by infirmity of mind or body, shall be entitled on a medical certificate to retire, and thereupon the police authority may, if they think fit, grant him a gratuity; and,

(*d.*) if at any time he is incapacitated for the performance of his duty by infirmity of mind or body occasioned by an injury received in the execution of his duty without his own default, shall be entitled on a medical certificate to retire and receive a pension for life.

**Pension allowances and gratuities to widow and children**

**2.**—(1.) If a constable dies whilst in a police force from the effect of an injury received in the execution of his duty without his own default, the police authority shall grant a pension to his widow, and allowances to his children.

(2.) If a constable dies whilst in a police force from any other cause the police authority may, if they think fit, grant gratuities to his widow and children or any of them.

(3.) If a constable, to whom a pension has been granted because he was incapacitated for the performance of his duty by an injury received in the execution of his duty without his own default, dies from the effects of the injury within twelve months after the grant of the pension, the police authority may, if they think fit, grant a pension to his widow, either for a term of years or otherwise.

(4.) If a constable to whom a pension has been granted dies within twelve months after the grant of the pension, the police authority may, if they think fit, grant gratuities to his widow and children or any of them.

**Pension scale**

**3.**—(1.) The pensions, allowances, and gratuities granted to constables of a police force and to their widows and children shall be in accordance with the pension scale for the force.

(2.) The pension scale for a police force shall be—

(*a*) as regards ordinary pensions, a fixed scale adopted by the police authority within the maximum and minimum limits set forth in Part I. of the First Schedule to this Act, and

(*b*.) as regards special pensions and allowances and gratuities, the scale set forth in Part II. of that Schedule

(3.) The police authority shall before the first day of January one thousand eight hundred and ninety-one send to the Secretary of State a copy of the scale adopted by them for ordinary pensions.

(4.) If any police authority do not before the said date adopt a fixed scale for ordinary pensions and send a copy thereof to the Secretary of State, the Secretary of State may frame for that authority a fixed scale for ordinary pensions within the maximum and minimum limits set forth in Part I. of the First Schedule to this Act, and that scale shall have the same effect as if it were a scale adopted by the police authority under this section.

(5.) The pension scale for each force shall come into operation on the commencement of this Act.

(6.) A police authority may from time to time adopt and send to the Secretary of State a new scale for ordinary pensions in lieu of the scale for the time being in force, but any such new scale shall not, without the consent of the constable, apply to any constable appointed before the day of its coming into operation.

(7.) The rules contained in Part III. of the First Schedule to this Act shall apply to all pensions, allowances, and gratuities granted under this Act.

**Reckoning of service for pension.**

**4.**—(1.) The service of a constable for the purposes of this Act shall be subject to such deductions in respect of sickness, misconduct, or neglect of duty as may be made therefrom in pursuance of the regulations of the force to which the constable belongs; and the expression "approved service" shall for the purposes of this

Act mean such service as may after such deductions as aforesaid (if any) be certified under the order of the police authority to have been diligent and faithful service, but shall not, unless the regulations of the police force otherwise prescribe, include service before twenty-one years of age.

(2.) A certificate signed by the chief officer of a police force as to the period of a constable's approved service in that force shall be sufficient evidence thereof.

(3.) Where a deduction is made from a constable's service in respect of sickness, misconduct, or neglect of duty, notice of the deduction shall as soon as may be after the occurrence of the cause for which the deduction is made be given to the constable; and the constable may appeal to the chief officer of his police force against any act of an officer of police superior to the constable which prevents him from reckoning any period of actual service as approved service, and any period of actual service allowed by the chief officer on such appeal shall be deemed to be approved service: Provided that, in the case of a borough having a separate police force, the decision of the chief officer shall be subject to the approval of the watch committee.

(4.) Where a constable has served in more than one police force in any part of the United Kingdom, approved service in any such police force in which he has completed not less than three years approved service, and from which he has with the written sanction of the chief officer of that force removed to another force, shall be reckoned as approved service in the force in which the constable is serving at the time of his retirement.

(5.) Where a constable with the knowledge of the police authority or of the chief officer of his police force belongs to the army reserve, and is called out for training or for permanent service, he shall be entitled, on returning to the police force after the end of such training or service, to reckon any approved service which he was entitled to reckon at the commencement thereof.

Proof of incapacity for duty liability to serve again, and revision of pension.

5.—(1.) Before granting to a constable an ordinary pension on the ground of his being incapacitated by infirmity for the performance of his duty, the police authority shall be satisfied by the evidence of some legally qualified medical practitioner or practitioners, selected by the police authority, that the constable is so incapacitated, and that the incapacity is likely to be permanent.

(2.) Where the application is for a special pension, the police authority shall also be satisfied that the injury was received by the constable in the execution of his duty, that it was received without the default of the constable, and that the infirmity is attributable to the injury, and shall also determine whether the injury was accidental or not, and whether the disability of the constable for earning his livelihood is total or partial; and for the purpose of determining any of the said questions which ought to be determined on medical grounds shall take the like evidence as above mentioned.

(3.) Where a pension is granted to a constable on the ground of incapacity for the performance of his duty, the police authority shall, yearly or otherwise, until the power under this Act of

requiring the constable to serve again ceases, satisfy themselves that the incapacity continues, and, unless they resolve that such evidence is unnecessary, shall satisfy themselves by the like evidence as above mentioned.

(4.) In the event of the incapacity ceasing before the time at which the constable would, if he had continued to serve, have been entitled without a medical certificate to retire and receive a pension for life, the police authority may cancel his pension and require him to serve again in the police force, in a rank not less than the rank which he held before his retirement, and at a rate of pay not less than the rate which he received before his retirement.

(5.) Where a constable so serves again, the provisions of this Act as to retirement and pensions, allowances, and gratuities shall apply as if he had not previously retired, save that, except in the case of pensions for non-accidental injuries received in the execution of duty, he shall not reckon as approved service the time which elapsed between his former retirement and the commencement of his service again.

(6.) Where a pension is granted to a constable on a scale applicable to total disability for earning a livelihood, it shall be so granted for such period as may be fixed by the police authority, and, if at the expiration of that period the pensioner continues to be totally so disabled, the pension shall, in the discretion of the police authority, either be made permanent or renewed from time to time. If at any time before the pension is made permanent the police authority are satisfied by the evidence of a legally qualified medical practitioner that the pensioner's disability for earning his livelihood has become partial, the pension shall, within the limits allowed by the pension scale, be reduced to the amount allowed by the provisions of the scale applicable to cases of partial disability.

(7.) If a constable fails or refuses, when required by the police authority, to be examined by some legally qualified medical practitioner selected by that authority, the police authority may deal with the constable in all respects as if they were satisfied by the evidence of such a practitioner that the constable is not incapacitated for the performance of his duty or, as the case may be, is only partially disabled.

(8.) The decision of the police authority on the matters above in this section mentioned shall be final, save that in the case of a borough the constable may appeal to the council of the borough, and the decision of the council shall be final.

Power to reduce pension where infirmity partially due to misconduct.

**6.** Where a constable retires on account of infirmity of mind or body, and the police authority are satisfied on medical evidence that the constable has brought about or contributed to the infirmity by his own default or his vicious habits, the police authority may, in their discretion, reduce the amount of his pension by an amount not exceeding one half of the pension to which he would be otherwise entitled.

Assignment of pensions and regulations as

**7.** The following provisions shall have effect with respect to every pension, allowance, and gratuity (in this section referred to

to payment of pensions, &c.

as a "grant") payable by the police authority to any person (in this section referred to as the pensioner):—

(1.) Every assignment of and charge on a grant, and every agreement to assign or charge a grant, shall, except so far as made for the benefit of the family of the pensioner, be void, and on the bankruptcy of the pensioner the grant shall not pass to any trustee or other person acting on behalf of the creditors:

(2.) Where any parochial relief is given to a pensioner or to anyone whom he is liable to maintain, the police authority may pay the whole or any part of the grant to the guardians or other authority giving the relief, and the same, when so paid, may be applied in repayment of any sums expended in such relief, and, subject thereto, shall be paid or applied by the guardians or other authority to or for the benefit of the pensioner:

(3.) If the pensioner neglects to maintain any person whom he is liable to maintain, the police authority may in their discretion pay or apply the whole or any part of the grant to or for the benefit of that person:

(4.) If the pensioner appears to the police authority to be insane or otherwise incapacitated to act, the police authority may pay so much of the grant as the police authority think fit to the institution or person having the care of the pensioner, and may pay the surplus (if any) or such part thereof as the authority think fit for or towards the maintenance and benefit of the wife or relatives of the pensioner:

(5.) On the death of a pensioner to whom a sum not exceeding one hundred pounds is due on account of a grant, then, if the police authority so direct, probate or other proof of the title of the personal representative of the deceased may be dispensed with, and the sum may be paid or distributed to or among the persons appearing to the police authority to be beneficially entitled to the personal estate of the deceased pensioner, or to or among any one or more of those persons, or in case of the illegitimacy of the deceased pensioner, to or among such persons as the police authority may think fit, and the police authority, and any officer of the police authority making the payment, shall be discharged from all liability in respect of any such payment or distribution:

(6.) Any sum payable to a minor on account of a grant may be paid either to the minor or to such person and on such conditions for the benefit of the minor as to the police authority seems expedient:

(7.) Where a payment is made to any person by a police authority in pursuance of this section, the receipt of that person shall be a good discharge to that authority for the sum so paid:

(8.) A police authority may, with the consent of the Secretary of State, make rules with respect to declarations to be taken for any purpose relating to grants payable by that authority, and while any such rules made by a police authority are in force, a

person shall not be entitled to receive any sum in respect of a grant payable by that authority until any declaration required by those rules has been made.

**Forfeiture of pension or allowance.**

**8.** A pension or allowance under this Act is granted only upon condition that it becomes forfeited, and may be withdrawn by the police authority, in any of the following cases:—

(*a.*) if the grantee is convicted of any offence for which he is sentenced to penal servitude or to imprisonment for a term exceeding three months with hard labour, or to imprisonment for a term exceeding twelve months, whether with or without hard labour; or

(*b.*) if the grantee knowingly associates with thieves or reputed thieves; or

(*c.*) if the grantee refuses to give to the police all information and assistance in his power, for the detection of crime, for the apprehension of criminals, and for the suppression of any disturbance of the public peace; or

(*d.*) if the grantee enters into or continues to carry on any business, occupation, or employment which is illegal, or in which he has made use of the fact of his former employment in the police in a manner which the police authority consider to be discreditable and improper.

Such forfeiture and withdrawal may affect the pension wholly or in part, and may be permanent or temporary, as the police authority may determine.

**Punishment for obtaining pension, &c. by fraud.**

**9.** If a person obtains or attempts to obtain for himself or for any other person any pension, gratuity, or allowance under this Act, or any payment on account of any such pension, gratuity, or allowance, by means of any false declaration, false certificate, false representation, false evidence, or personation, or by malingering or feigning disease or infirmity, or by maiming or injuring himself, or causing himself to be maimed or injured, or otherwise producing disease or infirmity, or by any other fraudulent conduct, he shall be liable on summary conviction to imprisonment with or without hard labour for a term not exceeding four months or to a fine not exceeding twenty-five pounds, to be paid (notwithstanding anything in any charter or in any other Act whether relating to municipal corporations or otherwise) to the pension fund of the force from which he obtained or attempted to obtain the pension, gratuity, or allowance, and on conviction by a jury to imprisonment, with or without hard labour, for a term not exceeding two years, and also in either case, to forfeit any pension, gratuity, or allowance so obtained.

**Saving of right of dismissal and reduction in rank.**

**10.** Nothing in this Act shall prejudice the existing right of any police authority to dismiss any constable, or to reduce him to any lower rank or lower rate of pay, or shall prevent his claim to pension from being refused on account of misconduct, or of negligence in the discharge of his duties, or on account of any of the grounds on which his pension if granted would be liable to be forfeited and withdrawn.

Appeal in case of forfeiture, or refusal of pension or allowance.

**11.** In any of the following cases—

(*a.*) where a pension after being granted to a constable has subsequently in pursuance of this Act been declared to have been forfeited, and

(*b.*) where a constable is dismissed without a pension to which he would be otherwise entitled, and in any other case where a constable, or the widow or child of a constable, claims a pension or allowance under this Act as of right, and the police authority do not admit the claim,

the constable, widow, or child may apply to the police authority for a re-consideration of the claim to the pension or allowance, and if aggrieved by the decision upon such re-consideration may apply to the next practicable court of quarter sessions for the county within which the constable last served; or if the constable last served in the police force of a borough having a separate police force and a separate court of quarter sessions, then to the next practicable court of quarter sessions for that borough, and that court, after inquiry into the case, may make such order in the matter as appears to the court just, which order shall be final; but nothing in this section shall confer a right to appeal against the exercise of any discretion, or against any decision which is declared by this Act to be final.

Application of Act to chief officer of police.

**12.** The provisions of this Act shall apply to a chief officer of police and to the assistant commissioners of the metropolitan police in like manner, so nearly as circumstances admit, as they apply to any other constable, except that, in the case of a chief officer, the certificate of approved service and the sanction to removal from one force to another may be given by a resolution of the police authority, and that nothing in this section shall make any pension which is now payable out of money provided by Parliament payable from any other source.

Suspension of pension in case of appointment to new office

**13.**—(1.) Where a constable in receipt of a pension under this Act from a police authority takes service in any police force, his pension may be suspended by that police authority in whole or in part so long as he remains in that service.

(2.) If a constable in receipt of a pension under this Act is appointed to an office remunerated out of money provided by Parliament, or out of a county or borough rate or fund, he shall not, while holding that office, receive more of the pension than together with the remuneration of that office is equal to one and a half times the remuneration of the office in respect of which the pension was awarded.

Provision as to service in more than one capacity. 50 & 51 Vict. c. 67.

**14.** Where a person has served in two or all of the following capacities—

(i.) as a civil servant within the meaning of the Superannuation Act, 1887;

(ii.) in a police force with a salary paid out of the police fund;

(iii.) in a police force with a salary paid out of money provided by Parliament;

he shall be entitled to reckon his entire period of service in both or all capacities for the purpose of pension, and the pension shall be

on the scale and subject to the statutory requirements affecting pensions in the service from which he last retires.

Provided as follows:—

(1.) For the purposes of the pension three years of police service shall be reckoned as equivalent to four years of service as a civil servant, and conversely; and

(2.) The pension shall be payable from money provided by Parliament, and from the police pension fund in such proportions as the Treasury may determine, regard being had to the period of service and the salary received in each capacity.

Rateable deductions from pay to be carried to pension fund

**15.**—(1.) The police authority of every police force shall deduct from the pay of every constable in the force—

(*a.*) sums at a rate not exceeding two and a half per cent. per annum on his pay (in this Act referred to as the rateable deduction); and

(*b.*) such stoppages during sickness, and such fines for misconduct, as may be provided by the regulations respecting the force.

(2.) Where a constable has removed to some other force or forces with the written sanction of the chief officer of any force he has removed from, and such constable in due course becomes entitled to and is awarded a pension, the police authority in whose service he then is shall be entitled to call upon the other police authority or authorities with whom he shall have served approved service, and they shall contribute a proportionate part of any pension to such constable reckoned according to the approved service and pay of such constable during his service in such force, and the said proportionate part shall be settled by agreement between the police authorities, or in default of agreement by an arbitrator appointed by the Secretary of State.

Establishment of pension fund, and fines, fees, &c. to be carried to fund

**16.**—(1.) There shall be a pension fund of every police force, and there shall be carried to that fund—

(*a.*) the deductions (including stoppages and fines) made in pursuance of this Act from the pay of the constables in the force; and

(*b.*) the fines imposed by a court of summary jurisdiction, when imposed on constables in the force, or for assaults on constables in the force, and the fines or portions of fines imposed by a court of summary jurisdiction for other offences, and awarded to informers being constables in the force; and

(*c.*) such fines or portions of fines, and such fees payable to or received by constables, as by any Act are directed or authorised to be carried to the superannuation or pension fund of the police force; and

(*d.*) the net sums arising from the sale of worn or cast clothing supplied for the use of constables of the force; and

(*e.*) such proportion of any sum received on account of constables whose services have been lent in consideration of payment as the police authority may consider to be a fair contribution to the pension fund in respect of those constables; and

(*f.*) any payments or contributions payable under the provisions of any local and personal Act to the pension or superannuation fund of any police force, whether out of any fund, rate, or account under the control of the police authority, or payable by any other authority, board, or persons; and

(*g.*) all dividends and other annual sums received in respect of the investments of the pension fund.

(2.) Unless the authority having control of the fund to which the sums herein-after mentioned would but for this section be carried otherwise resolve, and except so far as the said sums are subject to the foregoing provisions of this section, there shall also be carried to the pension fund of every police force the following sums, namely:—

(*h.*) The net sums received in the police area for pedlars and chimney sweepers certificates; and

(*i.*) All fees payable to or received by any constable of the force in the execution of his duty as such, or in the execution of any other duty which may be required to be performed by any constable of the force; and

35 & 36 Vict. c. 94. 37 & 38 Vict. c. 49.

(*k.*) The fines imposed by a court of summary jurisdiction for offences under the Licensing Acts, 1872 and 1874, when committed within the police area, or for any offence under a general or local Act similar to any of the above offences.

(3.) The police authority may also direct any sums under the control of the police authority in that capacity, or under the control of the police force, or of any member thereof in that capacity, to be carried to the pension fund, provided that this direction shall not be given in the case of any fund held on a private trust.

(4.) Any resolution passed for the purposes of this section may be revoked or varied.

(5.) The provisions of this section shall have effect notwithstanding anything in any charter or in any other Act, whether relating to municipal corporations or otherwise.

Distribution of sums granted out of Customs and Excise duties for police superannuation.

**17.**—(1.) Any annual sum which under an Act passed in the present session relating to the distribution of certain duties of Customs and Excise is required to be distributed among the police authorities of the police forces in England and Wales, other than the Metropolitan police force (which sum is in this Act referred to as the Exchequer contribution), shall be distributed according to the following basis of distribution, that is to say:—

(*a.*) There shall be paid in every financial year to the police authority of every such police force a sum equal to the amount of the rateable deductions made during the year ending the twenty-ninth day of September last preceding the end of the financial year from the pay of the constables belonging to that force, and that sum shall be carried to the pension fund.

(*b.*) The residue shall at the same time be distributed among the police authorities of those forces in proportion to the amounts paid during the year ending the twenty-ninth day of September last preceding the end of the financial year in respect of pensions, allowances, and gratuities out of their pension funds

respectively, and the proportion to be paid to each force shall be carried to the pension fund.

(2.) Provided that a police authority shall not in respect of any year receive any payment under this section unless the Secretary of State gives a certificate that the management and efficiency of the police force under that authority and the administration of the pension fund of that force have during that year been satisfactory; and, if the Secretary of State withholds that certificate as regards any police authority, the amount which would otherwise be payable to that authority under this section shall be forfeited to the Crown and paid into the Exchequer.

(3.) Before any such certificate is finally withheld in respect of any police force, the Secretary of State shall communicate with the police authority of the force, and that authority may address any statement on the subject to the Secretary of State; and in every case in which the certificate is withheld a statement of the grounds on which the Secretary of State has withheld his certificate, together with any such statement of the police authority, shall be laid before Parliament.

(4.) The sums to be paid to each police authority under this section shall be certified by the Secretary of State, who may, if he thinks proper, vary his certificate, but unless it is so varied his certificate shall be conclusive.

(5.) Where owing to any special circumstances affecting any particular police force the sum payable to that force under the foregoing provisions of this section would, in the opinion of the Secretary of State, be inequitable as between that force and some other force or forces, the Secretary of State may make such modification in the basis of distribution as appears to him to be necessary to meet the equities of the case.

(6.) The basis of distribution under this section may also be varied in such manner and in accordance with such conditions as may from time to time be set forth in regulations made by the Secretary of State and submitted to Parliament. All such regulations shall be laid on the table of both Houses of Parliament, and shall not come into operation until they have lain on the table of each House for not less than thirty days on which that House has sat.

(7.) This section shall come into operation on the passing of this Act.

Accounts and investment of pension fund.

**18.**—(1.) All sums which, in pursuance of this Act, are to be carried to the pension fund of a police force shall be accounted for and paid to the treasurer of that fund in such manner as the police authority may direct, and may be dealt with as annual income of the pension fund.

(2.) The pension fund of a police force shall be kept as a separate fund, but the treasurer of the police fund shall be the treasurer of the pension fund, and all enactments and regulations relating to the accounts of the police fund, and to the making up, audit, and publication thereof, and to the power of disallowance and otherwise shall, so nearly as circumstances admit, apply to the pension fund.

(3.) At the end of each financial year the surplus of the annual income of the pension fund above the expenditure thereout shall, as soon as may be, be invested in such name as the police authority direct, and in any manner authorised by law for investments by trustees, and all investments on account of the fund, under this section or otherwise, are in this Act referred to as the capital of the pension fund.

(4.) The capital of the pension fund shall not be applied for paying any sums payable out of that fund.

Guarantee of pension fund by police fund.

**19.**—(1.) If at any time the annual income of the pension fund is insufficient to pay the expenses of managing the fund, and the pensions, allowances, gratuities, and other sums payable thereout, the deficiency shall be supplied out of the police fund.

3 & 4 Vict. c. 88. 19 & 20 Vict. c. 69.

(2.) In the case of a county divided into districts within the meaning of section twenty-seven of the County Police Act, 1840, as amended by section four of the County and Borough Police Act, 1856, the deficiency shall be supplied by the several districts, as part of the local expenditure thereof, rateably in proportion to the number of constables appointed for each such district.

(3.) Where the police force of a borough has been consolidated with the police force of a county, the deficiency shall be supplied out of the police funds of the county and borough respectively in accordance with an agreement between the police authorities for the county and borough made in the same manner and subject to the same conditions as an agreement to consolidate the police force of a borough with the police force of a county can be made, and in default of any such agreement shall be supplied in such manner as may be determined by an arbitrator appointed by the Secretary of State.

(4.) Where the rate which can be levied for the police fund is limited, an addition to that rate may be levied for the purpose of raising the sum required to supply the deficiency.

Power for police authority to make regulations.

**20.**—(1.) Every police authority may make regulations consistent with this Act with respect to the deductions from a constable's service for sickness, misconduct, or neglect of duty, and with respect to stoppages of pay during sickness and fines for misconduct, and with respect to the mode in which pensions are to be paid, and otherwise for the purpose of giving effect to the provisions of this Act.

(2.) All regulations for a police force made before the commencement of this Act with respect to any of the above matters shall have effect as if made under the powers given by this section.

Power to return rateable deductions on leaving force.

**21.** If a constable not having been dismissed leaves a police force without a pension or gratuity, the police authority may, if it seems to them just, pay him the whole or part of the rateable deductions which have been made from his pay; but this section shall not apply in the case of his being removed to another force under such circumstances as will enable him to reckon his approved service in the force from which he removes.

Provisional orders by Secretary of State.

**22.**—(1.) Where it appears to a police authority that the assets of their pension fund exceed the amount required for meeting

the liabilities thereon, and that it is expedient to provide for the application of the excess or any part thereof, the police authority may apply to the Secretary of State, and thereupon the Secretary of State may frame and submit to Parliament for confirmation a provisional order authorising the payment out of the pension fund of such sums for such purposes, during such period, and subject to such conditions as may seem expedient.

(2.) Where it appears to a police authority that by reason of their pension fund being sufficient to meet the liabilities thereon it is unnecessary to make any further investments on account of the capital thereof, the police authority may apply to the Secretary of State, and thereupon the Secretary of State may frame and submit to Parliament for confirmation a provisional order authorising the discontinuance of those investments.

(3.) Where a local Act provides for the payment to members of a special force in any police area of the same pension, superannuation, or other allowances or gratuities as are by that local Act provided for the police force of the area, the authority controlling the special force may apply to the Secretary of State, and thereupon the Secretary of State may frame and submit to Parliament for confirmation a provisional order providing—

(i.) for the adjustment of any financial relations existing at the commencement of this Act between the police force and the special force as regards the payment of pensions, allowances, and gratuities to members of those forces respectively; and

(ii.) for applying with or without modification all or any of the provisions of this Act to the special force.

(4.) A provisional order under this section shall be of no force unless and until it is confirmed by Act of Parliament, but when so confirmed shall have effect with any modifications made therein by Parliament.

(5.) If, while the Bill confirming any such order is pending in either House of Parliament, a petition is presented against any order comprised therein, the Bill, so far as it relates to that order, may be referred to a Select Committee, and the petitioner shall be allowed to appear and oppose as in the case of private Bills.

(6.) All costs charges and expenses incurred by the Secretary of State in relation to any order under this section shall be defrayed by the authority applying for the order.

(7.) For the purposes of this section the expression "special force" means a fire brigade, fire police, or other like force.

## PART II.

### *General Amendment of Acts.*

Table of fees.

**23.**—(1.) Every police authority may from time to time, and shall at least once in every five years, submit for approval to a Secretary of State a table of fees payable to constables in respect of the service of summonses, the execution of warrants, and the performance of other occasional duties which may be required of the

constables under that authority, and in respect of the performance of any other act done by constables in the execution of their duty, and the Secretary of State may approve of the table, with or without modification.

(2.) Every police authority shall also provide for those fees being duly accounted for and being duly paid to the treasurer of that authority, and those fees shall, subject to the provisions of this Act, be applied in manner provided by the enactments relating to the police force of that authority, and so far as those enactments do not extend, then in aid of the police fund of that authority.

(3.) A constable may receive any fee mentioned in a table for the time being approved not more than five years previously by a Secretary of State, but no other fee shall be taken by a constable for any service performed by him.

(4.) Every constable shall duly account in accordance with the provisions made as above mentioned for any fee taken by him.

Amendment of 22 & 23 Vict. c 32 s 24 as to amount of gratuity.

**24.** So much of the County and Borough Police Act, 1859, as limits the amount of the gratuity which may be granted as a reward for a meritorious act done by a constable in the execution of his duty is hereby repealed.

Assistance by one police force to another.

**25.**—(1.) Where a police authority deem it expedient for any special emergency or under any exceptional circumstances to strengthen their police force (in this section referred to as the aided force) by constables belonging to another police force, such number of constables belonging to the latter force may be added to the aided force, and for such period, as may be agreed on between the police authorities of the forces; and the constables so added, notwithstanding that they have not been sworn in or taken any declaration as constables of the aided force, shall, during that period, be deemed, save as otherwise provided by the agreement, to be for all purposes constables of the aided force, and shall have the like powers, duties, and privileges.

(2.) The agreement may be made for a particular occasion or as a standing agreement, and with reference either to recurring or to unforeseen events, or otherwise, as may be thought expedient.

(3.) Any power conferred on a police authority by this section or by any agreement made thereunder may (subject to anything in the agreement to the contrary) be delegated by that authority to their chief officer of police by any general or special order, and with or without any exceptions, restrictions, or conditions.

(4.) An agreement under this section may contain such terms as to the command of the constables added to the aided force, and as to the expenses (including the pay and allowances of the constables so added and provision for pensions, gratuities, and allowances in the event of those constables being killed or injured) and otherwise, as may seem expedient.

(5.) An agreement may be made by a police authority with more police authorities than one.

Declaration by constables respecting

**26.** A police authority may require every constable at the time of his appointment to appear before a justice of the peace, and

make and sign a declaration as to his previous service in a police force or public employment, in the form contained in the Second Schedule to this Act, or to the like effect; and if any constable knowingly makes a false declaration, he shall be liable, on summary conviction, to be imprisoned, with or without hard labour, for any period not exceeding three months.

Previous service.

**27.** Whereas the annual value of property on which contributions for the purposes of the metropolitan police force are calculated is required to be computed according to the last valuation for the time being acted upon in assessing the county rate, and in some cases since the passing of the Local Government Act, 1888, there may be no such valuation: Be it therefore enacted that in the case of any area for which there is no such valuation, the valuation for the purpose of the said computation shall be such as is from time to time agreed upon between the receiver for the metropolitan police district and the rating authority, whether overseers or others, of the said area, or in default of agreement, as may be determined by arbitration of the Local Government Board, and the provisions of the Local Government Act, 1888, respecting the determination of differences by arbitration of the Local Government Board shall apply accordingly.

Computation of annual value in certain cases for the purpose of the metropolitan police.

In the case of any contribution made or required before the commencement of this Act, the receiver and rating authority may agree to adjust the amount according to any valuation made in pursuance of this section, or such other valuation as they may agree under all the circumstances to be just.

**28.**—(1.) Where in pursuance of the Act of the session held in the first and second years of King William the Fourth, chapter forty-one, intituled "An Act for amending the laws relative to the "appointment of special constables, and for the better preservation "of the peace," a special constable is appointed by a justice or justices exercising jurisdiction in any part of the metropolitan police district, he shall have all the powers of a constable throughout the whole of the metropolitan police district and the city of London, and the provisions of that Act shall apply to him as if the metropolitan police district were one county; and the allowances and expenses mentioned in section thirteen of that Act may, if the Secretary of State so directs, be paid out of the metropolitan police fund.

Provision as to special constables.

(2.) Where in pursuance of the same Act a special constable is appointed by a justice or justices having jurisdiction in the city of London, he shall have the powers of a constable throughout the whole of the metropolitan police district.

**29.** It shall not be necessary for the receiver for the time being of the metropolitan police district to give security for the faithful performance of his duty, and any security already given for this purpose shall cease to be in force.

Provision as to receiver of metropolitan police district.

## PART III.

### *Temporary and Supplemental Provisions.*

**30.** For the purpose of adapting the provisions of Part One of this Act to existing pension or superannuation funds and existing

Application of Act to existing funds and constables.

constables, (that is to say, to constables appointed to police forces, and to the pension or superannuation funds established for those forces, before the commencement of this Act, whether under any general or local Act, or otherwise) the following provisions shall have effect:

(1.) As soon as may be after the commencement of this Act, the amount of every existing pension or superannuation fund of a police force shall, where it is not already held by the treasurer of the police fund of that force, be transferred by the persons holding the same to such persons as the police authority may direct, to be held and dealt with as part of the pension fund under this Act, and as part of the capital or income thereof, as the case may require:

(2.) Where the Exchequer contribution to the police authority of a police force becomes payable before any existing fund of the force which is required to be so transferred is so transferred, or, in the case of a police force not having any such fund, before a pension fund is established for the force in pursuance of this Act, the payment of the contribution shall be deferred until the Secretary of State has certified that the fund is so transferred or established:

(3.) Where the police force of a borough has been consolidated with the police force of a county, and the existing pension or superannuation fund of the police force of the borough has not been transferred to the county treasurer, that fund shall be transferred in accordance with the foregoing provisions of this section, as soon as may be after the commencement of this Act, by the persons holding the same, and, in the absence of any agreement between the police authorities for the county and borough, the income of that fund shall be applied in paying the superannuation and other allowances charged thereon at the date of the transfer, and, subject thereto, in paying the pensions, allowances, and gratuities to constables employed in the consolidated force, and their widows and children, in such manner as may be determined by an arbitrator appointed by the Secretary of State:

22 & 23 Vict. c. 32.
28 & 29 Vict. c. 35.
51 Vict. c. ix.

(4.) In Lincolnshire section twenty-two of the County and Borough Police Act, 1859, and sections six, seven, and eight of the Police Superannuation Act, 1865, as amended by the Lincolnshire Police Superannuation Act, 1888, shall, so far as is consistent with the tenor thereof, apply to the pension fund under this Act in like manner as if it were the superannuation fund in those sections mentioned:

(5.) Every police authority shall, within fourteen days after a pension scale has been adopted by or framed for the police authority in pursuance of this Act, cause written notice to be given to every constable in the police force under that authority, requiring him to inform that authority in writing before the date of the commencement of this Act, whether he does or does not accept the provisions of this Act in lieu of the existing enactments respecting superannuation:

(6.) This Act shall not apply to any existing constable who, before the date of the commencement of this Act, whether any such notice has or has not been given to him, declines in writing to accept the provisions of this Act, but save as aforesaid this Act shall apply to all existing constables; and those constables shall be deemed to have surrendered in favour of the police authority all right to any provision made before the commencement of this Act, either wholly or partly, by the police authority for the superannuation of such constables, or, in case of their death, for their widows and children or any of them, whether that provision is made by an annual allowance, insurance, or otherwise:

(7.) If by reason of the police authority not having given such notice as aforesaid an existing constable becomes entitled to a less pension than he would have been entitled to receive if this Act had not passed, he may apply to the police authority, and the police authority may make such order as may seem just for the purpose of preventing the constable from suffering any loss by reason of the notice not having been given:

(8.) In the case of any existing constable to whom this Act applies, his approved service for any period before the commencement of this Act in the force in which he is serving at the time of his retirement shall be reckoned as approved service; and his service for not less than three years either wholly or partly before the commencement of this Act in any police force in any part of the United Kingdom, from which he removed with the sanction of the chief officer or police authority of that force to another force, shall (notwithstanding the sanction was not given in writing) be reckoned as approved service for the said period in the last-mentioned force, unless the police authority who give him the notice respecting the acceptance of this Act, inform him in writing at the time of such notice that they refuse to allow the said service to be reckoned, but their refusal shall not prevent the reckoning of that service under any other provision of this section.

(9.) Any description of service before the commencement of this Act, either in a police force or otherwise, which any existing constable to whom this Act applies is at the commencement of this Act entitled to reckon as service for any period towards superannuation out of the existing pension or superannuation fund of his police force, and which is not reckoned under any other provision of this Act, shall be reckoned for the same period for the purposes of pension under this Act: In the case of any existing constable to whom this Act applies, who has served not less than ten years before the commencement of this Act in a police force in which the police authority have heretofore, under the provisions of former Acts, granted pensions of higher amount than authorised by the scale adopted by that police authority under the provisions of this Act, and who becomes entitled to a pension under this Act, then, notwithstanding anything in this Act, the pension may, if the police authority think fit, exceed the amount prescribed in the adopted

scale so as it does not exceed the amount which might have been granted if this Act had not passed:

(10.) Provided that if, in the case of any existing constable, rateable deductions or other payments towards superannuation or insurance have not, during the period of the service which he is entitled to reckon for the purpose of calculating his pension under this Act, or for some part of such period not less than ten years, been made, and contributions have not been made from other sources to a superannuation fund in lieu of the rateable deductions not so made, the pension granted under this Act to such constable may, if the police authority think fit, be reduced by an annual amount equal to such deferred annuity as could, according to the tables for the purchase of deferred annuities from the Commissioners for the Reduction of the National Debt through the medium of the Post Office, have been purchased by rateable deductions made at the rate fixed under this Act during the said period of service, or the part thereof during which such deductions or payments were not made.

Act to supersede local Acts.

**31.** The provisions of this Act shall have effect, notwithstanding anything in any other Act, general or local, to the contrary.

Application of Act to metropolitan police

**32.** This Act shall apply to the metropolitan police force, subject as follows:—

(1.) Anything authorised or required to be done by a resolution or other act of the police authority may be done by any instrument signed by a Secretary of State:

(2.) Anything authorised or required to be done with the approval of a Secretary of State, or by a Secretary of State on the submission or application of a police authority, may be done by a Secretary of State alone:

(3.) The court of quarter sessions to which an application is to be made with respect to a decision as to a pension or allowance shall be the court of quarter sessions for the county of London:

(4.) Nothing in this Act shall apply to any existing constable who acted as one of the police of any of Her Majesty's dockyards, and upon his transfer to the metropolitan police force did not accept the terms of superannuation of members of that force, or agree to allow the deductions to be made from his pay which have been made towards such superannuation from the pay of other members of that force, and any such constable shall be entitled to superannuation under the Superannuation Act, 1859, notwithstanding that he obtained no certificate from the Civil Service Commissioners.

22 Vict c 26.

(5.) The rate and conditions of pension of the chief commissioner of metropolitan police, and of the assistant commissioners of metropolitan police shall be regulated by the provisions of this Act, and not by the provisions of the Metropolitan Police Staff (Superannuation) Act, 1875, but the said chief commissioner and assistant commissioners shall be entitled to pension under the provisions of this Act in respect of any emoluments

38 & 39 Vict. c 28

in respect of which they are entitled to a superannuation allowance made under the Metropolitan Police Staff (Superannuation) Act, 1875.

(6.) The rateable deductions from the salary of the chief commissioner of metropolitan police and from the salaries of such of the assistant commissioners of metropolitan police as receive salaries from money provided by Parliament shall be paid into the Exchequer and not to the pension fund.

(7.) The existing chief commissioner and assistant commissioners of metropolitan police shall be deemed existing constables within the meaning of this Act.

Police areas and authorities.

**33.** In this Act, unless the context otherwise requires,—

The expression "police area" means one of the areas set forth in the first column of the Third Schedule to this Act; and the expressions "police authority," "chief officer of police," and "police fund," mean, as respects each police area, the authority, officer, and fund respectively mentioned opposite to that area in the second, third, and fourth columns of that schedule; and the expression "police force" means a force maintained by one of the police authorities mentioned in the said schedule:

Provided as follows:—

(1.) In the case of a county the powers of the police authority under this Act with respect to the accounting for and payment of sums to be carried to the pension fund or police fund, and with respect to investments, shall be exercised by the county council, and any sum payable under this Act by the police authority shall be payable by the county council on the requisition of the standing joint committee of the quarter sessions and the county council;

(2.) Any contributions required to meet payments out of the county fund for the purposes of this Act shall be assessed in like manner as contributions to meet the expenses of the police force;

(3.) The exercise of the powers conferred by this Act on the watch committee of a borough shall be subject to the approbation of the council of the borough.

Definitions

**34.** In this Act, unless the context otherwise requires,

The expression "treasurer" includes any receiver, chamberlain, or other officer, by whatever name known, who performs the duties of treasurer in relation to any police fund:

The expression "fine" includes a pecuniary penalty:

The expression "fee" does not include any reward paid to an individual constable by direction of the Admiralty, or of any military authority, or of a Secretary of State not acting as the police authority, or any gratuity paid to a constable for a meritorious act done in the execution of his duty.

Saving for existing pensions.

**35.** Notwithstanding anything in this Act or in any repeal by this Act every person in receipt of any pension, superannuation, or other allowance at the commencement of this Act shall continue to be entitled to receive the same, subject to the same limitations and conditions as before the commencement of this Act, and the

same shall not be altered under this Act, and shall, save as otherwise expressly provided by this Act, be paid out of the like funds, as nearly as may be, as if this Act had not passed.

Repeal.

**36.** The Acts mentioned in the Fourth Schedule to this Act are hereby repealed to the extent in the third column of that schedule mentioned, and so much of any other Act as regulates the superannuation of any police force in England and Wales, or inconsistent with this Act, is also hereby repealed:

Provided that—

(1.) This repeal shall not affect the right of any police authority to grant any pension or superannuation or other allowance or gratuity to any existing constable to whom this Act does not apply, or to the widow and child of any such constable, or either of them, and shall not affect the right of any such constable, widow, or child to claim such pension, or superannuation or other allowance or gratuity, and any such pension allowance or gratuity may be granted and claimed according and the claim shall be allowed as if this Act had not passed but the pension, allowance, or gratuity shall be paid out of the pension fund:

(2.) This repeal shall not prevent any constable from reckoning as approved service any service which he is entitled under any enactment hereby repealed to reckon towards pension or superannuation:

(3.) Any table of fees made in pursuance of any enactment hereby repealed shall continue in force in like manner as if it had been at the date of the commencement of this Act approved by the Secretary of State in pursuance of this Act:

(4.) Nothing in this section shall repeal any enactment so far as it relates to any fire brigade, fire police, or other force to which or to the members whereof the provisions of this Act do not apply.

Commencement of Act.

**37.** This Act shall come into operation on the first day of April one thousand eight hundred and ninety-one, except as to anything which is by this Act required or authorised to be done before that date, and except as to any provision which is expressed to come into operation on the passing of this Act.

Short titles.

**38.**—(1.) This Act may be cited as the Police Act, 1890.

(2.) The Acts mentioned in the Fifth Schedule to this Act are in this Act referred to and may be cited by the short titles respectively in that schedule mentioned, and may be cited collectively by the short title at the commencement of that schedule mentioned.

(3.) The Metropolitan Police Acts, 1829 to 1887, and this Act may be cited together as the Metropolitan Police Acts 1829 to 1890.

(4.) The Acts mentioned in the said Fifth Schedule and this Act may be cited together as the Police Acts, 1839 to 1890.

Act not to apply to City.

**39.** This Act shall not apply to the City of London Police.

Extent of Act.

**40.** This Act shall not extend to Scotland or Ireland.

# SCHEDULES.

## FIRST SCHEDULE.

Section 3.

### PENSION SCALE.

### PART I.

*Ordinary Pensions.*

(1.) The pension to a constable on retirement shall be within the maximum and minimum limits following; that is to say,

(*a*) if he has completed fifteen but less than twenty-one years approved service, an annual sum not less than one sixtieth nor more than one fiftieth of his annual pay for every completed year of approved service; and

(*b*) if he has completed twenty-one but less than twenty-five years approved service, an annual sum not less than twenty sixtieths nor more than twenty fiftieths of his annual pay, with an addition of not less than two sixtieths and not more than two fiftieths of his annual pay for every completed year of approved service above twenty years; and

(*c*) if he has completed twenty-five years approved service, an annual sum not less than thirty sixtieths nor more than thirty-one fiftieths of his annual pay, with an addition of not less than one sixtieth nor more than three fiftieths of his annual pay for every completed year of approved service above twenty-five years, so however that the pension shall not exceed two thirds of his annual pay.

(2.) Where a limit of age is fixed below which a constable is not to be entitled to retire on a pension without a medical certificate, it shall be not less than fifty years and not more than fifty five years, or in the case of a constable above the rank of sergeant, not more than sixty years, but it shall not be obligatory on a police authority to fix any such limit.

### PART II.

*Maximum of gratuity to Constable.*

(3.) Any gratuity on retirement to a constable who is incapacitated for the performance of his duty shall not exceed the amount of one month's pay for every completed year of approved service.

*Special Pensions.*

(4.) The pension to a constable who is incapacitated for the performance of his duty by infirmity of mind or body occasioned by an injury received in the execution of his duty without his own default, shall vary according as the injury is or is not accidental, and according as the constable is partially or totally disabled from earning his livelihood.

(5.) The amount of pension in such cases shall be in the discretion of the police authority but within the maximum and minimum limits following:—

*Scale A.*

If the injury is accidental and the constable is partially disabled—

(*a*) if he has completed not more than five years approved service, an annual sum not greater than ten fiftieths and not less than ten sixtieths of his annual pay;

(*b*) if he has completed more than five and not more than ten years approved service, an annual sum not greater than twelve fiftieths and not less than twelve sixtieths of his annual pay;

(*c*) if he has completed more than ten and not more than fifteen years approved service, an annual sum not greater than fifteen fiftieths and not less than fifteen sixtieths of his annual pay; and

(*d*) if he has completed more than fifteen years approved service, an annual sum not greater than the maximum pension and not less than the minimum pension authorised under Article (1) of this schedule.

*Scale B.*

If the injury is accidental and the constable is totally disabled—

(*a*) if he has completed not more than ten years approved service, an annual sum not greater than fifteen fiftieths and not less than fifteen sixtieths of his annual pay;

(*b*) if he has completed more than ten and not more than fifteen years approved service, an annual sum not greater than twenty fiftieths and not less than twenty sixtieths of his annual pay;

(*c*) if he has completed more than fifteen years approved service, an annual sum not greater than the maximum pension authorised under Article (1) of this schedule, with an addition equal to five fiftieths of his annual pay, and not less than the minimum pension authorised under the same Article, with an addition equal to five sixtieths of his annual pay, provided that the pension shall not exceed two thirds of his annual pay.

*Scale C.*

If the injury is not accidental and the constable is partially disabled—

(*a*) if he has completed not more than ten years approved service, an annual sum not greater than twenty fiftieths and not less than twenty sixtieths of his annual pay;

(*b*) if he has completed more than ten and not more than fifteen years approved service, an annual sum not greater than twenty-five fiftieths and not less than twenty-five sixtieths of his annual pay;

(*c*) if he has completed more than fifteen years approved service, an annual sum not greater than the maximum pension authorised under Article (1) of this schedule, with an addition equal to ten fiftieths of his annual pay, and not less than the minimum pension authorised under the same Article, with an addition equal to ten sixtieths of his annual pay, provided that the pension shall not exceed two thirds of his annual pay.

*Scale D.*

If the injury is not accidental and the constable is totally disabled—

A sum not exceeding full pay and not less than the maximum amount prescribed by Scale C.

*Pensions Allowances and Gratuities to Widow and Children.*

(6.) Where a constable without his own default loses his life from the effect of an injury received in the execution of his duty, the pension to his widow and the allowances to his children shall be according to the following scale:—

(*a.*) The pension to the widow shall be an annual sum of fifteen pounds;

(*b.*) The allowance to each child shall be an annual sum of two pounds ten shillings:

Provided that the police authority may, in the case of a constable of a rank higher than that of sergeant, increase the above amounts, so however that the pension for a widow of an inspector do not exceed the annual sum

of twenty-five pounds, and the pension for a widow of an officer of a rank higher than that of inspector do not exceed thirty pounds, and the allowance for a child of a constable of a rank higher than that of sergeant do not exceed the annual sum of five pounds.

(7.) Where a constable dies under circumstances which do not entitle his widow and children to a pension or allowance under the preceding article of this schedule, any gratuities to the widow and children shall not exceed in the whole the amount of one month's pay for every completed year of approved service of the deceased constable.

(8.) The gratuities granted to the widow and children of a constable who dies within twelve months after the grant of a pension shall not exceed in the whole the difference between the annual pay of the constable and the amount he has actually received in respect of his pension.

## PART III.

### GENERAL RULES.

(9.) The pension to a widow shall continue only while she remains a widow and is of good character.

(10.) The allowance to a child shall not continue after the child attains the age of fifteen years.

(11.) In estimating any pension, gratuity, or allowance for the purposes of this Act—

(*a*) a pension or gratuity to a constable shall be calculated according to the amount of his annual pay at the date of his retirement;

(*b*) a pension or gratuity to the widow and an allowance or gratuity to a child of a constable shall be calculated according to the amount of the constable's annual pay at the date of his death;

(*c*) but where a constable has, in the course of the three years next before the date of his retirement or death, been in more than one rank, his annual pay at the date of the retirement or death shall be deemed to be the average annual amount of pay received by him for the said three years, instead of the annual amount actually received by him at that date.

## SECOND SCHEDULE.

Section 26.

### DECLARATION.

I, *A.B.*, now residing in the parish of in the county of , solemnly and sincerely declare that I have* never served in any police force in Great Britain, nor in the Royal Irish Constabulary, nor in the Royal Navy, nor in Her Majesty's army, nor in the militia, nor under the Post Office, nor under any public department [*or* that I have served in the police force for years, from to , and in Her Majesty's army for years from to , and am now in the Army Reserve, but have not served in the Royal Irish Constabulary nor in the Royal Navy, nor in the militia, nor under the Post Office, nor under any public department, *or as the case may be*].

* Insert according to the circumstances.

Declared before me.

(Signed) *A.B.*

At the day of 18 .

Section 33.

## THIRD SCHEDULE.

### POLICE AREAS AND AUTHORITIES.

| Police Area. | Police Authority. | Chief Officer of Police. | Police Fund. |
|---|---|---|---|
| The Metropolitan Police District. | One of Her Majesty's Principal Secretaries of State. | The commissioner of police of the metropolis. | The funds applicable for defraying the expenses of the metropolitan police force. |
| A county - - | The standing joint committee of the quarter sessions and the county council. | The chief constable. | The county fund. |
| A borough - - | The watch committee. | The chief or head constable. | The borough fund or borough rate or any fund or rate applicable under any local Act for the expenses of the police force. |
| A town not being a borough and maintaining a separate police force under any local Act of Parliament. | The authority having the management of the police under the local Act. | The head constable or other officer by whatever name called having the chief command of the police. | The fund or rate applicable under the local Act for the expenses of the police force. |
| The river Tyne within the limits of the Acts relating to the Tyne Improvement Commissioners. | The Tyne Improvement Commissioners. | The superintendent or other officer having the chief command of the police. | The tonnage rates and dues and other sums applicable under the Acts relating to the improvement of the river Tyne for the expenses of maintaining the police force. |

In this schedule the expression "county" means an administrative county within the meaning of the Local Government Act, 1888, but does not include a county borough.

Such parts of any county as are within the Metropolitan Police District, or as form part of any other police area, shall not be deemed for the purposes of this Act to form part of the county police area.

## FOURTH SCHEDULE.

Section 36.

### ACTS REPEALED.

| Session and Chapter. | Title or Short Title. | Extent of Repeal. |
|---|---|---|
| 10 Geo. 4, c. 44. - | An Act for improving the police in and near the metropolis. | In section ten, from "and the receiver for the time being," where those words first occur, to "paid to him under this Act." |
| 2 & 3 Vict. c. 47. - | The Metropolitan Police Act, 1839. | Sections twenty-two and twenty-three. |
| 2 & 3 Vict. c. 71. - | An Act for regulating the police courts in the metropolis. | In section forty-six, the words "which shall be applied towards defraying the charge of maintaining the police of the metropolis." |
| 3 & 4 Vict. c. 88. - | An Act to amend an Act for the establishment of county and district constables. | Sections ten, eleven, and seventeen. |
| 19 & 20 Vict. c. 69. - | An Act to render more effectual the police in counties and boroughs in England and Wales. | Sections eight, ten, eleven, thirteen, twenty-seven, twenty-eight, and twenty-nine. |
| 20 & 21 Vict. c. 64. - | The Metropolitan Police Act, 1857. | Section fifteen. |
| 22 & 23 Vict. c. 32. - | An Act to amend the law concerning the police in counties and boroughs in England and Wales. | Sections eight, nine, ten, twelve, thirteen, fifteen, sixteen, seventeen, nineteen, twenty, twenty-one, twenty-three, and twenty-eight, and in section twenty-four the words "not exceeding three pounds." |
| 24 & 25 Vict. c. 124. | The Metropolitan Police Act, 1861. | Section six. |
| 28 & 29 Vict. c. 35. - | The Police Superannuation Act, 1865. | Section two, except so far as it relates to the County and Borough Police Act, 1859; and sections three, four, five, and nine. |
| 45 & 46 Vict. c. 50. - | The Municipal Corporations Act, 1882. | Fifth Schedule, Part II., 5. (*b.*) from "or as may be awarded" down to "length of service." |

Section 38.

## FIFTH SCHEDULE.

### THE POLICE (ENGLAND) ACTS.

| Session and Chapter. | Title. | Short Title. |
|---|---|---|
| 2 & 3 Vict. c. 93. | An Act for the establishment of county and district constables by the authority of justices of the peace. | County Police Act, 1839. |
| 3 & 4 Vict. c. 88. | An Act to amend the Act for the establishment of county and district constables. | County Police Act, 1840. |
| 19 & 20 Vict. c. 69. | An Act to render more effectual the police in counties and boroughs in England and Wales. | County and Borough Police Act, 1856. |
| 20 Vict. c. 2. | An Act to facilitate the appointment of chief constables for adjoining counties, and to confirm appointments of chief constables in certain cases. | County Police Act, 1857. |
| 22 & 23 Vict. c. 32. | An Act to amend the law concerning the police in counties and boroughs in England and Wales. | County and Borough Police Act, 1859. |
| 28 & 29 Vict. c. 35. | An Act to amend the law relating to the police superannuation funds in counties and boroughs. | Police Superannuation Act, 1865. |

45 & 46 Vict. c. 50.

Sections one hundred and ninety to one hundred and ninety-four (both inclusive) of the Municipal Corporations Act, 1882, shall for the purposes of this Act be deemed to form part of the Acts in this schedule.

# CHAPTER 46.

## An Act for taking the Census of Ireland.

[18th August 1890.]

WHEREAS it is expedient to take the census of Ireland in the year one thousand eight hundred and ninety-one:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Census of population to be taken.

1. A census of the population of Ireland shall be taken in the year one thousand eight hundred and ninety-one in the manner herein-after directed, and the census day shall be Sunday the fifth day of April in that year.

**2.** Such officers and men of the police force of Dublin metropolis, and of the Royal Irish Constabulary, as the Lord Lieutenant shall direct, together with such other competent persons as the Lord Lieutenant shall appoint to assist therein, shall, upon the Monday following the census day, and such one or more next consecutive days as the said Lord Lieutenant shall fix, severally visit every house within such districts as may be assigned to them respectively, between the hours of half-past eight in the forenoon and six in the afternoon, and take an account in writing, according to such instructions as may be given to them by the chief or under secretary to the Lord Lieutenant of the number of persons who abode therein on the night of the census day, and of the sex, age, religious profession, birthplace, and occupation of all such persons; and shall also take an account of the number of inhabited houses and of uninhabited houses and of houses then building within such districts respectively; and shall also distinguish those parishes and places, or parts of parishes and places, within each district respectively, which are within the limits of any parliamentary borough; and shall also take an account of all such further particulars as by such instructions they may be directed to inquire into; and all the expenses which shall be incurred by authority of the Lord Lieutenant under this Act, subject to the sanction of the Treasury, shall be paid out of such moneys as shall be provided by Parliament for that purpose.

By whom the census shall be taken.

**3.** The governor, master, or keeper of every gaol, prison, or house of correction, workhouse, hospital, or lunatic asylum, and every barrack master, and every master or keeper of every public or charitable institution which shall be determined upon by the Lord Lieutenant, shall act as the enumerator of the inmates thereof, and shall be bound to conform to such instructions as shall be sent to him by the authority of the Lord Lieutenant for obtaining the returns required by this Act, so far as may be practicable, with respect to such inmates, but the initial letters only of the Christian names and surnames of such inmates shall be stated in any such return.

Masters, &c. of gaols, &c. to be appointed enumerators of the inmates thereof.

**4.**—(1.) For the more effectual obtaining of such accounts, the chief or under secretary to the Lord Lieutenant shall prepare and cause to be printed such forms and instructions for the use of the several persons who shall be appointed as aforesaid to take or certify the said accounts as he shall deem necessary.

Forms, &c. to be furnished for their use.

(2.) Subject to the provisions of this Act, the census shall be taken by means of, and in the manner prescribed by, the several forms and instructions which were issued under the authority of the Act of the session of the forty-third and forty-fourth years of the reign of Her present Majesty, chapter twenty-eight, and which are contained in the Appendix to the General Report of the Commissioners appointed under that Act, dated the twenty-first day of September, one thousand eight hundred and eighty-two, and presented to both Houses of Parliament by command of Her Majesty, and such matters and particulars as were contained in and prescribed by the said forms and instructions, and no other matters or particulars shall be inserted in the forms and instructions to be

43 & 44 Vict. c. 84.

prepared under the authority of this Act, and no question shall be put for the purpose of obtaining information other than the information required by such forms and instructions.

Power to make the inquiry.

5. The better to enable such persons to take the said accounts they are hereby authorised and empowered to ask all such questions of all persons within their respective districts, respecting themselves or the persons constituting their respective families, and of all such further particulars as shall be necessary for the purposeof taking the said accounts.

Penalty for refusing to answer, or for giving false answers.

6. Every person refusing to allow such question to be put or to answer or wilfully giving a false answer to such questions or any of them, shall for every such refusal, or false answer, be liable to a penalty not exceeding five pounds: Provided always, that no person shall be subject to any such penalty for refusing to state his religious profession.

Penalty on persons employed if guilty of wilful default or neglect.

7. Every member of the said police force or of the Royal Irish Constabulary, or other person, who shall be so appointed to take the said accounts, or to assist therein, who shall make any wilful neglect, default, or falsification in any matter relating to the said accounts, or who shall make any communication or disclosure of any information obtained by him in taking the said accounts for any other object than that of rendering the census as complete as possible, shall for every such neglect, default, or falsification, or communication or disclosure, be liable to a penalty not exceeding five pounds.

Proceedings how to be taken, and penalties recovered and applied.

8. All proceedings under this Act, as to compelling the appearance of any such member of the said police force or of the Royal Irish Constabulary force, or other person, against whom any complaint under this Act shall have been made, or of any witness, and as to the hearing and determination of such complaints, and as to the making and executing of any orders or as to any other matter relating thereto, and as to the application of fines, amerciaments, and forfeited recognisances, imposed or levied under the provisions of this Act, shall be subject in all respects to the provisions of the Petty Sessions (Ireland) Act, 1851, as the same is amended by the Petty Sessions Clerk (Ireland) Act, 1858, when the case shall be heard in any petty sessions district, and to the provisions of the Acts relating to the divisional police offices when the case shall be heard in the police district of Dublin metropolis, so far as the said provisions shall be consistent with any special provisions of this Act, and when any penalty is imposed at any of the divisional police offices of Dublin metropolis under the provisions of this Act, such penalty shall be paid over to the same purposes, and appropriated and applied in the same manner as is now by law authorised in respect of penalties imposed at such divisional police offices respectively.

14 & 15 Vict. c. 93.
21 & 22 Vict. c. 100.

Application of penalties imposed.

The persons taking the accounts to certify and affirm as to their correctness, and

9. The said several persons so appointed to take the said accounts, or to assist therein, shall sign and certify the same, and make solemn affirmation before any justice of the peace within the county, to the effect that the said account has been truly and faithfully taken by him (or them), and that, to the best of his (or their) knowledge,

the same is correct, so far as may be known, and shall deliver the same to such officer of the said police force, or of the Royal Irish Constabulary, or other person, as may be appointed by the Lord Lieutenant to receive the same, within each county, city, town, or place; and such officer or person shall examine the same, and cause any defect or inaccuracy which may be discovered therein to be supplied or corrected, so far as may be possible, and shall certify and transmit the same to the General Register Office, in such manner and within such time as the Lord Lieutenant shall direct, and the same shall be digested and reduced into order under the direction of the chief or under secretary to the Lord Lieutenant, by the Registrar General of Births and Deaths in Ireland, and by such other person or persons as the Lord Lieutenant shall appoint for that purpose; and an abstract thereof shall be laid before both Houses of Parliament within twelve months after the day on which the said account shall be taken, or (if Parliament be not then sitting) within the first fourteen days of the session next ensuing.

deliver them to the officer appointed to receive them.

Such officer to transmit them to the office of the Chief Secretary.

An abstract thereof to be laid before Parliament.

**10.** The Chief Secretary to the Lord Lieutenant shall obtain, by such means as shall appear to him best adapted for the purpose, returns of the particulars required by this Act with respect to all houseless persons, and all persons who during the night of the census day were travelling or on shipboard, or for any other reason were not abiding in any house of which account is to be taken by the appointed persons, and shall cause such returns to be included in the abstract to be laid before Parliament.

Provision as to houseless persons.

**11.** A certificate from the General Register Office, purporting to be signed by the Registrar-General of Births, Deaths, and Marriages in Ireland, shall be admitted in any court of law as evidence of the population, at the last census, of any county, city, town, or other area in Ireland to which it refers, and the said Registrar-General shall be bound, if possible, to deliver such certificate to any person on payment of a fee of one shilling.

Certificate of population.

**12.** Penalties imposed by this Act shall be recovered in manner provided by the Summary Jurisdiction (Ireland) Acts.

Recovery of penalties.

**13.** Every solemn affirmation or declaration made or signed under the authority of this Act shall be of the same force and effect as if the person making such affirmation or declaration had taken an oath in the usual form, and if any person making such affirmation or declaration shall wilfully, falsely, and corruptly affirm or declare any matter or thing which, if deposed on oath, would have amounted to wilful and corrupt perjury, he shall be liable to prosecution, indictment, sentence, and punishment in all respects as if he had committed wilful and corrupt perjury.

Punishment of persons wilfully making false affirmation or declaration.

**14.** This Act may be cited as the Census (Ireland) Act, 1890.

Short title.

# CHAPTER 47.

## An Act to amend the Law relating to the Marriage of British Subjects outside the United Kingdom.

[18th August 1890.]

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Short title.

**1.**—(1.) This Act may be cited for all purposes as the Marriage Act, 1890.

(2.) The Act of the session held in the twelfth and thirteenth years of Her Majesty, chapter sixty-eight, intituled "An Act for "facilitating the marriage of British subjects resident in foreign "countries," is in this Act referred to and may be cited as the Consular Marriage Act, 1849.

Marriage at British embassy or house of ambassador to be deemed to be valid.

**2.** Every marriage between parties of whom one at least is a British subject which, from and after the commencement of this Act, shall be solemnized in accordance with the provisions of this Act in the house of any British ambassador or minister residing within the country to the Court of which he is accredited, shall be deemed and held to be as valid in the law as if the same had been solemnized within the United Kingdom with a due observance of all forms required by law, and the Consular Marriage Acts, as amended by this Act, and as modified by adaptations made in pursuance of this Act, shall apply accordingly.

Procedure in cases of marriages at embassies, &c. 12 & 13 Vict. c. 68. 31 & 32 Vict. c. 61.

**3.** The Consular Marriage Act, 1849, and the Consular Marriage Act, 1868 (in this Act referred to as the Consular Marriage Acts), as amended by this Act, shall apply in the case of a marriage solemnized before any governor, high commissioner, resident, or consular or other officer directed or authorised to solemnize and register marriages in the manner provided by the nineteenth section of the said Consular Marriage Act, 1849, as if such governor, high commissioner, resident, or consular or other officer were a consul within the meaning of the Consular Marriage Acts. This section and the provisions of the Consular Marriage Acts and this Act relating to the marriages in this section referred to shall not be limited to places outside Her Majesty's dominions.

Marriage on board Her Majesty's ships on foreign station.

**4.** Every marriage between parties of whom one at least is a British subject which, from and after the commencement of this Act, shall be solemnized in accordance with the provisions of this Act on board one of Her Majesty's vessels on a foreign station, shall be deemed and held to be as valid in the law as if the same had been solemnized within the United Kingdom with a due observance of all forms required by law.

Procedure in cases of marriages on board Her Majesty's ships.

**5.** The Consular Marriage Acts as amended by this Act shall apply in the case of a marriage solemnized on board one of Her Majesty's vessels as if the commanding officer of the vessel were a consul within the meaning of the Consular Marriage Acts.

**6.** Where a consul is satisfied, in accordance with regulations made under this Act, that a marriage between parties, of whom one at least is a British subject, has been duly solemnized there in accordance with the local law of the country, he may register the marriage, and thereupon, subject to the said regulations, the Consular Marriage Acts shall apply as if the marriage had been solemnized in pursuance of those Acts.

Registration of marriages solemnized under local law.

**7.**—(1.) The period during which a copy of the notice referred to in section three of the Consular Marriage Act, 1849, is to be suspended in the office of the consulate shall be fourteen days, whether the marriage is solemnized by licence or without licence, and section nine of the same Act shall have effect as if the period therein referred to were fourteen days in the case both of marriage by licence and of marriage without licence.

(2.) The affirmation or declaration required by section six of the Consular Marriage Act, 1849, in the case of marriages by licence shall be required whether the marriage is by licence or without licence, but the certificate referred to in that section shall only be given in cases of marriage by licence.

Amendment of 12 & 13 Vict. c 68. ss. 3, 6, and 9, as to procedure before marriage.

**8.** Section nine of the Consular Marriage Act, 1849, shall have effect as if the words "eight in the forenoon and three in the afternoon" were substituted for the words "eight and twelve in the forenoon."

Amendment of 12 & 13 Vict. c. 68. s. 9, as to hours of marriage.

**9.** Her Majesty the Queen may, by Order in Council, make regulations—

Power to make regulations.

(*a.*) Prohibiting or restricting the exercise by ambassadors, ministers, governors, high commissioners, residents, commanders of ships, consuls, and other officers of their powers under the Consular Marriage Acts and this Act in cases where the exercise of those powers appears to Her Majesty to be inconsistent with international law or the comity of nations, or in places where, in the opinion of Her Majesty, sufficient facilities exist without the exercise of those powers for the solemnization of marriages to which any British subject is a party; and

(*b.*) Determining what offices, chapels, or other places are, for the purposes of marriages under the Consular Marriage Acts or this Act, to be deemed to be part of the house of an ambassador or minister or of a consulate or office of a consulate; and

(*c.*) Modifying in special cases or classes of cases the requirements of the Consular Marriage Acts and this Act as to residence and notice, so far as such modification appears to Her Majesty to be consistent with the observance of due precautions against the solemnization of clandestine marriages; and

(*d.*) Adapting the Consular Marriage Acts to marriages in the house of a British ambassador or minister, or on board one of Her Majesty's vessels, and determining by whom such marriages may be solemnized or registered; and

(*e.*) Adapting the Consular Marriage Acts to marriages before a governor, high commissioner, resident, or other officer; and

(*f*.) Determining the conditions under which and directing the mode in which marriages solemnized in accordance with the local law of a foreign country may be registered in pursuance of this Act; and

(*g*.) Varying and revoking any regulations previously made.

All such regulations shall be published under the superintendence of Her Majesty's Stationery Office, and laid before both Houses of Parliament, and shall while in force have effect as if enacted by this Act.

Saving

**10.** Nothing in this Act contained shall confirm or impair, or in anywise affect, or be construed to confirm or impair, or in anywise affect, the validity in law of any marriage solemnized beyond the seas, otherwise than as herein provided, and this Act shall not extend to the marriage of any of the Royal family.

Commencement of Act.

**11.** This Act shall come into operation on the first day of January one thousand eight hundred and ninety-one.

Repeal.

**12.** The enactments specified in the schedule to this Act are hereby repealed to the extent appearing in the third column of that schedule.

Section 13

## SCHEDULE.

ENACTMENTS REPEALED.

| Session and Chapter. | Title. | Extent of Repeal. |
|---|---|---|
| 4 Geo. 4. c. 67. - | An Act to declare valid certain Marriages that have been solemnized at St. Petersburg since the abolition of the British factory there. | The whole Act, so far as it relates to any marriage solemnized after the commencement of this Act. |
| 4 Geo. 4. c. 91. - | An Act to relieve His Majesty's subjects from all doubt concerning the validity of certain marriages solemnized abroad. | The whole Act, so far as it relates to any marriage solemnized after the commencement of this Act in the chapel or house of any British ambassador or minister, or in the chapel belonging to any British factory abroad, or in the house of any British subject residing at such factory. |

# CHAPTER 48.

## An Act to amend the Pharmacy Act (Ireland), 1875.

[18th August 1890.]

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same as follows:

**1.** This Act may be cited as the Pharmacy Act (Ireland), 1875, Amendment Act, 1890. Short title.

**2.** This Act shall apply to Ireland only. Extent of Act.

**3.** In this Act— Interpretation.

"The principal Act" means the Pharmacy Act (Ireland), 1875:
"The Society" means the Pharmaceutical Society of Ireland:
"The council" means the council of the Society:
"The registrar" means the registrar of the Society:
"The treasurer" means the treasurer of the Society:
"Poisons" mean all articles deemed to be poisons within the meaning of the Act thirty-three and thirty-four Victoria, chapter twenty-six, intituled "An Act to regulate the sale of poisons in Ireland."

**4.** Section fifteen of the principal Act, and all other provisions of that Act empowering the Pharmaceutical Society of Ireland to create a grade of chemists and druggists legally qualified to dispense medical prescriptions are hereby repealed. Repeal of 38 & 39 Vict c. 57. s. 15.

**5.** The registrar shall, in the manner by this Act provided, from time to time make out and maintain complete lists, to be called "the register of chemists and druggists" and "the register of registered druggists in Ireland," containing the names of all persons who have made application to be registered and are entitled to be registered as chemists and druggists and registered druggists respectively under the provisions of this Act, and the provisions of the principal Act with respect to the registers thereby authorised shall mutatis mutandis extend and apply to such registers, except so far as such provisions are altered by or are inconsistent with the provisions of this Act. All persons so registered shall be entitled to keep open shop for the sale, retailing or mixing of poisons: Provided that nothing in this Act shall be deemed to confer on such persons any right to compound medical prescriptions. Register of chemists and druggists and registered druggists.

**6.** Every chemist and druggist, or chemist, or druggist, who was practising as such in Ireland as a principal at the passing of the principal Act, shall be entitled to be registered as a chemist and druggist under this Act on complying with the following provisions:— Chemists or druggists practising as such at passing of 38 & 39 Vict c. 57. entitled to be registered.

(1.) He shall, within a year from the passing of this Act, make application in writing to the registrar to be registered under the provisions of this Act.

(2.) Such application shall be accompanied by a statutory declaration of the applicant in the form set out in Schedule A. to this Act or to the like effect: Provided that it shall be lawful for the council to require from any such applicant such evidence as they may think fit of the truth of the statements contained in the statutory declaration so made by him, and to require such other confirmatory evidence as they shall think sufficient.

(3.) He shall pay to the treasurer of the Society a fee of one guinea.

(4.) Notwithstanding the provisions of section thirty-one of the principal Act, no person shall be entitled to keep open shop for the selling, retailing, or mixing of poisons by reason that he was a chemist and druggist practising as such in Ireland on his own account at the time of the passing of the principal Act, unless he shall be registered as a chemist and druggist under this Act.

Chemists or druggists in business before passing of Act entitled to be registered.

7. Every chemist and druggist, or chemist or druggist, who has gone into business as a principal after the passing of the principal Act and before the passing of this Act, shall be entitled to be registered as a druggist on complying with the following provisions:—

(1.) He shall, on or before the first day of June one thousand eight hundred and ninety-one, make application in writing to the registrar to be registered under the provisions of this Act.

(2.) Such application shall be accompanied by a statutory declaration of the applicant in the form set out in Schedule B. to this Act, or to the like effect.

(3.) He shall be examined with respect to his knowledge of reading and writing, elementary arithmetic, and the appearances of the poisons, drugs, and chemical salts in common use, and the Act of the session of the thirty-third and thirty-fourth years of the reign of Her present Majesty, chapter twenty-six, and shall obtain from the examiner or examiners appointed by the Lord Lieutenant of Ireland to hold such examination a certificate of having satisfactorily passed the same.

(4.) The Lord Lieutenant in Council shall appoint examiners to conduct the examinations prescribed by this section for applicants, and shall fix the fees to be paid to such examiners and to the Society respectively in respect of such examinations, and the examinations shall be held in Dublin and at such other places as the Lord Lieutenant in Council shall consider necessary.

(5.) Every person who went into business as a chemist and druggist as a principal between the passing of the principal Act and the passing of this Act, and who has styled himself chemist and druggist, and has complied with the provisions of this section, and passed the examination under this section, shall be permitted to retain the title of chemist and druggist.

(6.) Every person who having styled himself as a chemist and druggist shall claim to retain the title of chemist and druggist under the provisions of this section shall, at the time of his application to be registered, make a statutory declaration stating when and where he was in business as a chemist and druggist styling himself as such.

(7.) It shall be lawful for the council to require from any such applicant such evidence as they may think fit of the truth of

the statements contained in the statutory declaration so made by him, and to require such other confirmatory evidence as they shall think sufficient.

Registration of registered druggists.

**8.** Every person who shall duly have completed, or shall duly complete, a term of service as apprentice or assistant of not less than four years to a pharmaceutical chemist, or to a licentiate apothecary, or to a person or persons who shall have become, or who had he or they survived or continued in business would have been entitled to become, a registered chemist and druggist, or registered druggist, under this Act, shall be entitled to be registered as a registered druggist under this Act on complying with the following provisions:—

(1.) He shall make application in writing to the registrar to be registered under the provisions of this Act.

(2.) Such application shall be accompanied by a statutory declaration of the applicant in the form set out in Schedule C. to this Act, or to the like effect, with an additional declaration in the form set out in Schedule D. or to the like effect.

(3.) He shall be examined with respect to his knowledge of English orthography and composition, arithmetic, and the weights and measures of the British Pharmacopœia, the appearance and properties of the various drugs and chemicals in general use, and the Act of the session of the thirty-third and thirty-fourth years of the reign of Her present Majesty, chapter twenty-six, and shall obtain from the examiners appointed by the council to hold such examination a certificate of having satisfactorily passed the same.

(4.) He shall pay to the treasurer of the Society, on presenting himself for such examination, a fee of two guineas, and a further fee of two guineas on being registered.

Provided that if he shall fail to satisfy the examiner, he may present himself for subsequent examinations, on paying the examiner's fees.

Provided also that evidence shall be adduced to the satisfaction of the council that the applicant has completed a term of apprenticeship such as herein-before described; and provided also that if the term of apprenticeship be continued after the expiration of one year from the passing of this Act it shall not entitle the applicant to present himself for examination, unless the term shall have been completed with a pharmaceutical chemist, a licentiate apothecary, or a registered chemist and druggist, or registered druggist under this Act.

Examinations of intending druggists.

**9.** It shall be the duty of the Society to provide for examinations being held at which applicants for registration as registered druggists may present themselves for examination. Such examinations shall be held at not greater intervals than the examinations of persons desirous of being registered as pharmaceutical chemists under the principal Act, and shall be held at Dublin, Belfast, Cork, and such other places as may be convenient.

Provided that it shall not be compulsory on the Society to cause any such examinations to be held outside Dublin unless at least twelve persons make application for examination thereat.

Apprentices having passed examination entitled to registration.

**10.** Every person who shall have served an apprenticeship of four years with a pharmaceutical chemist, a licentiate apothecary, a registered chemist and druggist, or a registered druggist shall be entitled to present himself for examination under this Act, and shall be entitled on passing his examination to be registered as a registered druggist under this Act, and every person who shall have served such apprenticeship to a registered chemist and druggist, or a registered druggist not being a pharmaceutical chemist, and who shall comply with the regulations of the Society in force for the time being, and in addition shall have served an assistantship of two years to either a pharmaceutical chemist or a licentiate of the Apothecaries' Hall keeping open shop, shall be entitled to present himself for examination under the principal Act as a pharmaceutical chemist, and shall be entitled on passing his examination to be registered as a pharmaceutical chemist.

Provisions of 38 & 39 Vict. c. 57. as to examinations to extend to examinations authorised by this Act.

**11.** The provisions of the principal Act with respect to the examinations therein mentioned shall extend and apply to the examinations by this Act authorised, except so far as such provisions are altered by or are inconsistent with the provisions of this Act.

Persons who may be elected associates of the Pharmaceutical Society.

**12.**—(1.) Within three months after the passing of this Act, the Society shall, subject to the provisions of the principal Act, make regulations for the election of registered chemists and druggists and registered druggists as associates of the Society under the title of associate druggists.

(2.) Every person who shall be registered under this Act as a chemist and druggist or registered druggist shall be qualified to be elected an associate druggist, subject to any regulations made in pursuance of the principal Act and this Act, and every person so elected and continuing as such associate shall have the same privileges of voting for members of the Council and of attending all meetings of the Society and of voting thereat and otherwise taking part in the proceedings of such meetings as members of the Society, and shall be qualified to be elected and when elected to act as a member of the council of the Society. Provided always that such associates contribute to the funds of the Society the same annual subscriptions as members contribute for the time being under the regulations thereof, and provided also that such associate druggists shall not style themselves associates of the Pharmaceutical Society, and any druggist making use of such title shall be liable to have his name erased from the Register of Associate Druggists.

First election of representatives of chemists and druggists to Council.

**13.** At a date to be fixed by the Council, but not later than the fifteenth day of January one thousand eight hundred and ninety-one, an election shall be held of seven persons (who shall be registered as druggists or chemists and druggists) to be additional members of the Council of the Society, and such election shall be

held in like manner in all respects as an election of members of the Council of the Society in the place of retiring members held under the principal Act: Provided that the persons entitled to vote at the election of such seven members on the said Council shall be persons who shall be then registered as chemists and druggists, or registered druggists. And every such person so voting at such election shall pay to the society a fee of one guinea as an annual subscription in respect of the year 1891.

Election of new Council in 1891.

**14.** At the annual election in October one thousand eight hundred and ninety-one, under the principal Act and this Act, the Council of the Society shall go out of office, and a new council shall be elected consisting of twenty-one members, not more than seven of whom shall be associate druggists, and the right of voting for members of council at this and all subsequent elections, shall be common to both members of the Pharmaceutical Society and associate druggists. Provided nevertheless that the president and vice-president shall remain in office to conduct the election of October one thousand eight hundred and ninety-one, and declare the votes, but not longer unless duly elected, and the retiring rotation of members shall be determined in the same manner as is provided by section nine of the principal Act. Provided also that in the event of the death or resignation of the said president and vice-president, or either of them, or their inability or unwillingness to conduct such election, it shall be lawful for the Lord Lieutenant to nominate and appoint some other person to conduct such election who shall have the same power with respect thereto as if he had been elected chairman of the meeting.

No person to assume title of registered druggist, or chemist and druggist, or sell poisons, unless registered.

**15.** From and after the passing of this Act it shall be unlawful for any person to assume, and from and after the first day of January, 1892, it shall be unlawful for any person to use the title of a registered druggist or chemist and druggist in any part of Ireland, or to sell poisons, unless such person shall be registered as a chemist and druggist or registered druggist, under this Act, and any person acting in contravention of this enactment shall for every such offence be liable to pay a penalty not exceeding five pounds.

Printed copies of registers to be sent to inspectors of weights and measures, who shall report any person infringing Act.

**16.** In the month of January in each year, the registrar shall send printed copies of the register of pharmaceutical chemists and of the register of chemists and druggists and of the register of registered druggists, to the inspector of weights and measures in each constabulary district in Ireland, and it shall be the duty of such inspector to report to the Council any offences against the provisions of the principal Act or this Act or the Act thirty-three and thirty-four Victoria, chapter twenty-six, entitled "An Act to regulate the sale of poisons in Ireland," committed within his district, and one third of every sum of money recovered as a penalty against any person so offending shall be paid to any such inspector who shall be the means of bringing such person to justice.

Shop for sale of poisons, or compounding medical pre-

**17.** Any person or persons lawfully keeping open shop for selling, retailing, or mixing poisons shall personally manage and conduct such shop and the retailing and mixing of poisons therein,

scriptions, to be personally managed by owner or qualified assistant.

or shall employ for the purposes aforesaid, as an assistant or manager in such shop, a duly registered chemist and druggist, or registered druggist, or pharmaceutical chemist or licentiate apothecary, and such person or persons lawfully keeping open shop as aforesaid shall, for the purposes of this Act and of the principal Act, be held to be the retailer and compounder of poisons aforesaid therein; and every person or persons lawfully keeping open shop for selling and retailing poisons, and dispensing and compounding medical prescriptions, shall personally manage and conduct such shop and the retailing, dispensing, and compounding of poisons and medical prescriptions therein, or shall employ for the purposes aforesaid as assistant or manager in such shop a duly qualified pharmaceutical chemist or licentiate apothecary, and such person or persons lawfully keeping open shop as aforesaid shall, for the purposes of this Act and of the principal Act, be held to be the retailer and compounder of poisons or medical prescriptions as aforesaid therein; and any person or persons acting in contravention of this enactment shall for every such offence be liable to pay a penalty not exceeding five pounds.

Registrar may require name of proprietor of premises where poisons sold, or medical prescriptions compounded, to be furnished to him.

**18.** It shall be lawful for the registrar at any time to write a letter addressed to the proprietor or proprietors of any premises where open shop is kept for the selling, retailing, dispensing, or mixing of poisons or compounding of medical prescriptions (such letter to be delivered on the premises, or to be forwarded by post as a registered letter according to the post office regulations for the time being in force), requiring such proprietor or proprietors, within seventeen days from the delivery of such letter, to furnish in writing to the registrar a statement of the name and address of the bonâ fide proprietor or proprietors of such shop, and if such proprietor or proprietors do not personally manage and conduct such shop, the name of the duly qualified manager or assistant managing or conducting the same, and the description of his qualification; and in case such proprietor or proprietors neglect to furnish such information to the registrar within the time aforesaid, he or they and each of them shall be liable to pay a penalty not exceeding one pound for every day during which such default shall continue, and so long as such default shall continue it shall be unlawful for any person to sell or retail, dispense or mix poisons or compound medical prescriptions on such premises, and every person or persons acting in contravention of this enactment shall for every such offence be liable to pay a penalty not exceeding five pounds unless he or they shall prove to the satisfaction of the court or justices having jurisdiction in the case that he or they did not know of such default. Every person who shall make a false statement in writing with intent to mislead in reply to any inquiry addressed to him by the registrar under this Act shall be held to have made a false declaration, and shall be liable to the penalty provided under section twenty-eight of the principal Act.

Examinations for assistants to pharmaceutical chemists.

**19.** The council may cause examinations to be held at such times and in such manner as may be prescribed by them from time to time for the purpose of examining assistants to pharmaceutical chemists, and such assistants as shall pass such examination shall be

competent to transact the business of a licentiate of the Pharmaceutical Society in his temporary absence, but shall not be entitled to conduct or manage a business or to keep open shop on their own account.

**20.** Section eleven of the principal Act shall be read and have effect as if the words "the second monthly meeting" were substituted for the words "ten days" in that section. Amendment of 38 & 39 Vict. c. 57. s. 11.

**21.** All sums payable to the treasurer under this Act shall be applied by him under the direction of the council to the purposes of the principal Act and this Act. Application of moneys paid to treasurer.

**22.** All penalties recoverable under this Act shall be recoverable and applied in the same manner as penalties recoverable under the principal Act. Penalties.

**23.** This Act and the principal Act shall be read together and construed as one Act. Construction of Act.

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## SCHEDULE A.

### FORM OF DECLARATION.

To the Registrar of the
Pharmaceutical Society of Ireland.

I, , residing at , in the county of , hereby declare that I was in business as a chemist and druggist on my own account [*or* that I was in business in the years ], at in the county of on or before the eleventh day of August one thousand eight hundred and seventy-five.

(Signed)

Dated this day of 18 .

## SCHEDULE B.

### FORM OF DECLARATION.

To the Registrar of the
Pharmaceutical Society of Ireland:

I, residing at , in the county of , hereby declare that I was in business as a chemist and druggist, [*or* chemist *or* druggist] as a principal, in the years , at in the county of

(Signed)

Dated this day of 18 .

## SCHEDULE C.

### FORM OF DECLARATION.

To the Registrar of the
Pharmaceutical Society of Ireland.

I, residing at , in the county of , hereby declare that I have completed a full term of service as apprentice [*or* assistant] of years to a pharmaceutical chemist, [*or* a licentiate apothecary, *or* a registered chemist and druggist *or* a registered druggist who has been *or* would have been entitled to be duly registered under the Pharmacy Act (Ireland), 1875, Amendment Act, 1890.]

(Signed)

Dated this day of 18 .

SCHEDULE D.

FORM OF DECLARATION.

To the Registrar of the
Pharmaceutical Society of Ireland.

I, residing at , in the county of hereby declare that has completed with me a full term of years as apprentice [*or* assistant], ending 18 .

(Signed)

Dated day of 18 .

# CHAPTER 49.

## An Act to continue various Expiring Laws.

[18th August 1890.]

WHEREAS the several Acts mentioned in column one of Part I. of the First Schedule to this Act are, in so far as they are in force and are temporary in their duration, limited to expire on the thirty-first day of December one thousand eight hundred and ninety:

And whereas the Act mentioned in column one of Part II. of the First Schedule to this Act is, so far as relates to the provision mentioned in column two of that schedule, limited to expire on the expiration of six months from the day fixed for the first election of the councillors of any council to which the provision applies, that is to say, from the fourth day of February one thousand eight hundred and ninety:

And whereas the Act mentioned in column one of Part III. of the First Schedule to this Act is, so far as relates to the provision mentioned in column two of that schedule, limited to expire on the twenty-fifth day of June one thousand eight hundred and ninety-one:

And whereas the several Acts mentioned in column one of the Second Schedule to this Act are, in so far as they are in force and are temporary in their duration, limited to expire on the thirty-first day of March one thousand eight hundred and ninety-one:

And whereas it is expedient to provide for the continuance as in this Act mentioned of those Acts, and of the enactments amending the same:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Short title.

1. This Act may be cited as the Expiring Laws Continuance Act, 1890.

Continuance of Acts in schedule.

2.—(1.) The Acts mentioned in column one of Parts I., II., and III. of the First Schedule to this Act shall, to the extent specified in column two of that schedule, be continued until the thirty-first day of December one thousand eight hundred and ninety-one:

(2.) The Acts mentioned in column one of the Second Schedule to this Act shall, to the extent specified in column two of that schedule, be continued until the thirty-first day of March one thousand eight hundred and ninety-two:

(3.) Any unrepealed enactments amending or affecting the enactments continued by this Act shall, in so far as they are temporary in their duration, be continued in like manner.

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## SCHEDULES.

### FIRST SCHEDULE.

#### PART I.

| 1. Original Acts. | 2. How far continued. | 3. Amending Acts. |
|---|---|---|
| (1) 5 & 6 Will. 4. c. 27. Linen, Hempen, Cotton, and other Manufactures (Ireland). | The whole Act so far as it is not repealed. | 3 & 4 Vict. c. 91.<br>5 & 6 Vict. c. 68.<br>7 & 8 Vict. c. 47.<br>30 & 31 Vict. c. 60. |
| (2) 3 & 4 Vict. c. 89. Poor Rates, Stock in Trade Exemption. | The whole Act. | — |
| (3) 4 & 5 Vict. c. 30. Survey of Great Britain. | The whole Act so far as it is not repealed. | 33 Vict. c. 13.<br>47 & 48 Vict. c. 43. |
| (4) 4 & 5 Vict. c. 59. Application of Highway Rates to Turnpike Roads. | The whole Act. | — |
| (5) 10 & 11 Vict. c. 98. Ecclesiastical Jurisdiction. | As to provisions continued by 21 & 22 Vict. c. 50. | — |
| (6) 11 & 12 Vict. c. 32. County Cess (Ireland). | The whole Act - - | 20 & 21 Vict. c. 7. |
| (7) 14 & 15 Vict. c. 104. Episcopal and Capitular Estates Management. | The whole Act so far as it is not repealed. | 17 & 18 Vict. c. 116.<br>21 & 22 Vict. c. 94.<br>22 & 23 Vict. c. 46.<br>23 & 24 Vict. c. 124.<br>31 & 32 Vict. c. 114. s. 10. |
| (8) 17 & 18 Vict. c. 102. Corrupt Practices Prevention. | So much as is continued by the Corrupt and Illegal Practices Prevention Act, 1883. | 26 & 27 Vict. c. 29. s. 6.<br>31 & 32 Vict. c. 125.<br>46 & 47 Vict. c. 51. |
| (9) 23 & 24 Vict. c. 19. Dwellings for Labouring Classes (Ireland). | The whole Act. | — |

| 1. Original Acts. | 2. How far continued. | 3. Amending Acts. |
|---|---|---|
| (10) 24 & 25 Vict. c. 109. Salmon Fishery (England). | As to appointment of inspectors, s. 31. | 49 & 50 Vict. c. 39. s. 3. |
| (11) 26 & 27 Vict. c. 105. Promissory Notes. | The whole Act - - | 45 & 46 Vict. c. 61. |
| (12) 27 & 28 Vict. c. 20. Promissory Notes and Bills of Exchange (Ireland). | The whole Act. | — |
| (13) 28 & 29 Vict. c. 46. Militia Ballots Suspension. | The whole Act. | — |
| (14) 28 & 29 Vict. c. 83. Locomotives on Roads. | The whole Act so far as it is not repealed. | 41 & 42 Vict. c. 58. 41 & 42 Vict. c. 77. (Part II.) |
| (15) 29 & 30 Vict. c. 52. Prosecution Expenses. | The whole Act. | — |
| (16) 31 & 32 Vict. c. 125. Parliamentary Elections. | So much as is continued by the Corrupt and Illegal Practices Prevention Act, 1883. | 42 & 43 Vict. c. 75. 46 & 47 Vict. c. 51. |
| (17) 32 & 33 Vict. c. 21. Election Commissioners Expenses. | The whole Act - - | 34 & 35 Vict. c. 61. |
| (18) 33 & 34 Vict. c. 112. Glebe Loans (Ireland). | The whole Act - - | 34 & 35 Vict. c. 100. 41 Vict. c. 6. |
| (19) 34 & 35 Vict. c. 87. Sunday Observance Prosecutions. | The whole Act. | — |
| (20) 35 & 36 Vict. c. 33. Parliamentary and Municipal Elections (Ballot). | The whole Act so far as it is not repealed. | 45 & 46 Vict. c. 50. (Municipal Elections.) |
| (21) 38 & 39 Vict. c. 84. Returning Officers Expenses | The whole Act - - | 46 & 47 Vict. c. 51. s. 32. 48 & 49 Vict. c. 62. 49 & 50 Vict. c. 57. |
| (22) 39 & 40 Vict. c. 21. Juries (Ireland). | The whole Act. | — |
| (23) 41 & 42 Vict. c. 41. Returning Officers Expenses (Scotland). | The whole Act - - | 48 & 49 Vict. c. 62. 49 & 50 Vict. c. 58. |

| 1. Original Acts. | 2. How far continued. | 3. Amending Acts. |
|---|---|---|
| (24) 41 & 42 Vict. c. 72. Sale of Liquors on Sunday (Ireland). | The whole Act. | — |
| (25) 43 Vict. c. 18. Parliamentary Elections. | The whole Act, so far as it is not repealed. | — |
| (26) 43 & 44 Vict. c. 42. Employers Liability. | The whole Act. | — |
| (27) 44 & 45 Vict. c. 49. Land Law (Ireland). | As to the offices of two of the Land Commissioners and the filling of vacancies. | 48 & 49 Vict. c. 73. s. 17. 50 & 51 Vict. c. 33. |
| (28) 45 & 46 Vict. c. 59. Educational Endowments (Scotland). | As to the powers of Her Majesty in Council and of the Scotch Education Department. | — |
| (29) 46 & 47 Vict. c. 35. Diseases Prevention, Metropolis. | The whole Act, so far as it is temporary, except s. 11. | 47 & 48 Vict. c. 60. |
| (30) 46 & 47 Vict. c. 51. Corrupt and Illegal Practices Prevention. | The whole Act. | — |
| (31) 47 & 48 Vict. c. 70. Municipal Elections (Corrupt and Illegal Practices). | The whole Act. | — |
| (32) 48 & 49 Vict. c. 73. Purchase of Land (Ireland). | As to the offices of two of the Land Commissioners and the filling of vacancies. | 50 & 51 Vict. c. 33. 51 & 52 Vict. c. 49. 52 & 53 Vict. c. 13. |
| (33) 49 & 50 Vict. c. 55. Shop Hours Regulation. | The whole Act. | — |
| (34) 50 & 51 Vict. c. 33. Land Law (Ireland). | So much of section one as relates to the time within which applications under the section may be made. | 51 & 52 Vict. c. 13. |
| (35) 51 & 52 Vict. c. 41. Local Government (England and Wales). | As to powers of Commissioners, s. 61, § 10. As to power of making orders on application of County Council, s. 108 (3). | — |

PART II.

| 1. Original Act. | 2. How far continued. | 3. Amending Acts. |
|---|---|---|
| 52 & 53 Vict. c. 50. Local Government (Scotland). | As to power of making orders on application of County Council, s. 108 (2). | — |

PART III.

| 1. Original Act. | 2. How far continued. | 3. Amending Act. |
|---|---|---|
| 49 & 50 Vict. c. 29. Crofters Holdings (Scotland). | As to powers of Commissioners s. 22. | — |

SECOND SCHEDULE.

| 1. Original Acts. | 2. How far continued. | 3. Amending Acts. |
|---|---|---|
| 32 & 33 Vict. c. 56. Endowed Schools (Schemes). | As to the powers of making schemes and as to the payment of the salaries of additional Charity Commissioners. | 36 & 37 Vict. c. 87. 37 & 38 Vict. c. 87. |
| 46 & 47 Vict. c. 36. City of London Parochial Charities. | As to powers of Charity Commissioners. | — |
| 48 & 49 Vict. c. 78. Educational Endowments (Ireland). | As to powers of making schemes. | — |

# CHAPTER 50.

## An Act to grant Money for the purpose of certain Local Loans, and for other purposes relating to Local Loans.

[18th August 1890.]

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Appointment of Public Works Loans Commissioners for five years.

1. Whereas the term of office of the persons who are at the passing of this Act Public Works Loans Commissioners under the Public Works Loans Act, 1875, will expire at the end of a period of

five years from the first day of April one thousand eight hundred and eighty-six, and it is expedient to appoint Commissioners for a further period of five years; therefore the following persons, that is to say:—

Thomson Hankey, Esquire;
Sir Henry Hussey Vivian, Bart., M.P.;
Herbert Barnard, Esquire;
The Right Honourable Lord Napier and Ettrick, K.T.;
Richard Musgrave Harvey, Esquire;
The Right Honourable Lord Cottesloe;
The Right Honourable Lord Hillingdon;
Edward Howley Palmer, Esquire;
Thomas Salt, Esquire, M.P.;
Benjamin Buck Greene, Esquire;
Samuel Steuart Gladstone, Esquire;
The Right Honourable Lord Basing;
Herbert Cokayne Gibbs, Esquire;
Sir Edward Birkbeck, Bart., M.P.;
Oswald Augustus Smith, Esquire;
Edward Norman, Esquire;
Arthur O'Connor, Esquire, M.P.;
Sir Edward Cecil Guinness, Bart.;

shall after the passing of this Act be the Public Works Loans Commissioners under the Public Works Loans Act, 1875, and shall hold office until the expiration of five years from the first day of April one thousand eight hundred and ninety-one.

38 & 39 Vict. c. 89.

**2.**—(1.) For the purpose of local loans there may be issued by the National Debt Commissioners the following sums; namely,

Grants for public works and Scotch Fishery Board.

(*a.*) For the purpose of loans by the Public Works Loan Commissioners, any sum or sums not exceeding in the whole the sum of one million five hundred thousand pounds;

(*b.*) For the purpose of loans by the Commissioners of Public Works in Ireland, any sum or sums not exceeding in the whole one million pounds;

(*c.*) For the purpose of loans by the Fishery Board for Scotland, any sum or sums not exceeding in the whole ten thousand pounds.

(2.) The sums so issued shall be issued during a period ending on the day on which a further Act granting money for the purposes of those loans comes into operation, and in accordance with the provisions of the National Debt and Local Loans Act, 1887.

50 & 51 Vict. c. 16.

**3.** Whereas it is expedient that the principal of the several local loans specified in the First Schedule hereto should, to the extent of the amount specified in the last column of that schedule, not be reckoned as assets of the local loans fund established under the National Debt and Local Loans Act, 1887: Be it therefore enacted that the principal of the said local loans shall, to that extent, be written off from the account of assets of the local loans fund, and the provisions of section fifteen of the said Act shall, so far as applicable, apply thereto.

Certain debts not to be reckoned as assets of the local loans fund.

50 & 51 Vict. c. 16.

**4.** Whereas there is due in respect of a loan made by the Commissioners of Public Works in Ireland to the grand jury of the

Remission of loan in respect of Killeany Pier.

county of Galway in respect of the repair of Killeany Pier the amount of three hundred and forty-four pounds fourteen shillings and twopence principal, and fourteen pounds sixteen shillings and fourpence interest, and the said amount of principal was, under the Public Works Loans Act, 1888, written off from the account of assets of the local loans fund, and it is expedient that the debt in respect of the said sums of principal and interest be extinguished, therefore the said debt shall be extinguished, and the amount thereof shall be deemed to be a free grant by Parliament.

51 & 52 Vict. c. 39.

Alteration of terms of loan to South Staffordshire Mines Drainage Commissioners.

**5.** The Public Works Loan Commissioners may, as from the thirty-first day of March one thousand eight hundred and eighty-nine, reduce to a rate of interest not less than four per cent. per annum the rate of interest on the loan granted by them to the South Staffordshire Mines Drainage Commissioners, and may extend the period for the repayment of that loan to the thirty-first day of December one thousand nine hundred and seventeen.

Short title.

**6.** This Act may be cited as the Public Works Loans Act, 1890.

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## SCHEDULE.

### LOANS BY THE COMMISSIONERS OF PUBLIC WORKS, IRELAND.

| (1.) To whom Advance was made. | (2.) Purpose of Advance. | (3.) Act authorising Advance. | (4.) Amount advanced. | (5.) Amount repaid. | (6.) Amount outstanding. | (7.) Amount to be written off against Assets of Local Loans Fund. |
|---|---|---|---|---|---|---|
| | | | £ s. d. | £ s. d. | £ s. d. | £ s. d. |
| Browne, Peter D. | Improvement of landed property. | 10 Vict. c. 32. | 350 0 0 | 47 9 6 | 302 10 6 | 302 10 6 |
| Price, Mrs. - - | Arterial drainage. | 26 & 27 Vict. c. 88. | 140 5 11 | 97 13 3 | 42 12 8 | 10 12 4 |
| Hickey, Thomas - | Do. - | Do. - | 228 0 6 | 14 9 10 | 213 10 8 | 16 3 6 |
| Kelly, Richard - | Do. - | Do. - | 937 9 5 | 12 6 1 | 925 3 4 | 37 13 9 |
| Scott, Mathew - | Improvement of holding. | 44 & 45 Vict. c. 49. s. 31. | 340 0 0 | 28 0 7 | 311 19 5 | 311 19 5 |
| Gavin, James - | Do. - | Do. - | 90 0 0 | 3 19 3 | 86 0 9 | 86 0 9 |
| Mullen, Thomas - | Do. - | Do. - | 60 0 0 | 5 0 4 | 54 19 8 | 54 19 8 |
| Crehan, Denis - | Do. - | Do. - | 50 0 0 | 1 16 8 | 48 3 4 | 7 19 7 |
| Sullivan, Catherine | Do. - | Do. - | 30 0 0 | 1 18 0 | 28 2 0 | 28 2 0 |
| Kerrigan, Thomas | Do. - | Do. - | 65 0 0 | 4 2 5 | 60 17 7 | 60 17 7 |
| Elliott, John - | Do. - | Do. - | 20 0 0 | 15 12 1 | 4 7 11 | 4 7 11 |
| | | | 2,310 15 10 | 232 8 0 | 2,078 7 10 | 921 7 0 |

# CHAPTER 51.

## An Act for further promoting the Revision of the Statute Law by repealing enactments which have ceased to be in force or have become unnecessary.

[18th August 1890.]

WHEREAS it is expedient that certain enactments which may be regarded as spent, or have ceased to be in force otherwise than by express specific repeal by Parliament, or have, by lapse of time or otherwise, become unnecessary, should be expressly and specifically repealed:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

**Enactments in schedule repealed.**

1. The enactments described in the schedule to this Act are hereby repealed, subject to the provisions of this Act and to the exceptions and qualifications in the schedule mentioned, and every part of a title, preamble, or recital specified after the words "in part, namely," in connexion with an Act mentioned in the said schedule may be omitted from any revised edition of the statutes published by authority after the passing of this Act, and there may be added in the said edition such brief statement of the Acts, officers, persons, and things mentioned in the title, preamble, or recital, as may in consequence of such omission appear necessary.

Provided that—

The repeal of any words or expressions of enactment described in the schedule shall not affect the binding force, operation, or construction of any statute, or of any part of a statute, whether as respects the past or future;

and where any enactment not comprised in the schedule has been repealed, confirmed, revived, or perpetuated by any enactment hereby repealed, such repeal, confirmation, revivor, or perpetuation shall not be affected by the repeal effected by this Act;

and the repeal by this Act of any enactment or schedule shall not affect any enactment in which such enactment or schedule has been applied, incorporated, or referred to;

nor shall such repeal of any enactment affect any right to any hereditary revenues of the Crown, or affect any charges thereupon or prevent any such enactment from being put in force for the collection of any such revenues, or otherwise in relation thereto;

and this Act shall not affect the validity, invalidity, effect, or consequences of anything already done or suffered,—or any existing status or capacity,—or any right, title, obligation, or liability already acquired, accrued, or incurred, or any remedy or proceeding in respect thereof,—or any release or discharge of or from any debt, penalty, obligation, liability, claim, or demand,—or any indemnity,—or the proof of any past act or thing;

nor shall this Act affect any principal or rule of law or equity, or established jurisdiction, form or course of pleading, practice, or procedure, or the general or public nature of any statute, or any existing usage, franchise, liberty, custom, privilege, restriction,

exemption, office, appointment, payment, allowance, emolument, or benefit, or any prospective right, notwithstanding that the same respectively may have been in any manner affirmed, recognised, or derived by, in, or from any enactment hereby repealed;

nor shall this Act revive or restore any jurisdiction, office, duty, drawback, fee, payment, franchise, liberty, custom, liability, right, title, privilege, restriction, exemption, usage, practice, procedure, form of punishment, or other matter or thing not now existing or in force;

and this Act shall not extend to repeal any enactment so far as the same may be in force in any part of Her Majesty's dominions out of the United Kingdom, except where otherwise expressed in the schedule.

Application of repealed enactments in local courts.

**2.** If and so far as any enactment repealed by this Act applies or may have been by Order in Council applied to the court of the county palatine of Lancaster or to any inferior court of civil jurisdiction, such enactment shall be construed as if it were contained in a local and personal Act specially relating to such court and shall have effect accordingly.

Enactments as to turnpikes to be local and personal.

**3.** All enactments relating to turnpike trusts or turnpike roads in England and Wales, and not relating to other highways may be omitted from any edition of the statutes published by authority after the passing of this Act as if they were contained in local and personal Acts.

Short title.

**4.** This Act may be cited as the Statute Law Revision (No. 2) Act, 1890.

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## SCHEDULE.

This schedule is to be read as referring to the Revised Edition of the Statutes prepared under the direction of the Statute Law Committee in all cases of Statutes included in that edition.

Enactments which have been already repealed are, in a few instances, included in the schedule, in order to avoid the necessity of reference to previous Statutes.

### PART I.

| Reign and Chapter. | Title. |
|---|---|
| 7 Will. 4. & 1 Vict. c. 41. | An Act the title of which begins with the words "An Act for the" and ends with the words "in Scotland."<br>In part; namely,—<br>Preamble.<br>Section twenty-three to "enacted, that."<br>Section twenty-eight to "enacted, that."<br>Section thirty-seven, the words "and steward depute" from "and steward substitute" to "steward substitute" where those words next occur, the words "steward clerk and" and from "and depute steward clerk" to "or stewartry." |
| 7 Will. 4. & 1 Vict. c. 69. | An Act to amend an Act for the Commutation of Tithes in England and Wales.<br>In part; namely,—<br>Preamble.<br>Sections one to six and nine to eleven, except as to any tithes which have not been commuted. |

| Reign and Chapter. | Title. |
|---|---|
| 7 Will. 4. & Vict. c. 88. | An Act to amend certain Acts relating to the Crime of Piracy.<br>In part; namely,—<br>Section two, the words "and being convicted thereof shall suffer death as a felon," so far as relates to Scotland.<br>Section four, the words "with death or otherwise," so far as relates to Scotland.<br>Section six. |
| 1 & 2 Vict. c. 28. | An Act the title of which begins with the words "An Act to repeal," and ends with the words "called Ireland."<br>In part; namely,—<br>Preamble.<br>Section four to "of this Act."<br>Section fourteen, the words "of debt bill plaint," and from "wherein" to the end of the section. |
| 1 & 2 Vict. c. 53. | An Act the title of which begins with the words "An Act to amend" and ends with the words "secure the same."<br>In part; namely,—<br>Preamble.<br>Section one to "same that" and the words "after the commencement of this Act" and the word "that" before "every such."<br>Section three. |
| 1 & 2 Vict. c. 106. | An Act to abridge the holding of Benefices in Plurality, and to make better Provision for the Residence of the Clergy.<br>In part; namely,—<br>Section seventy-seven, from "and it shall" to "same diocese" and from "with such stipend" to "such benefice." |
| 1 & 2 Vict. c. 119. | An Act to regulate the Constitution, Jurisdiction, and Forms of Process of Sheriff Courts in Scotland.<br>In part; namely,—<br>Section three.<br>Section four, to "succeeding sheriff."<br>Section twenty-six. |
| 2 & 3 Vict. c. 36. | An Act to regulate the Duties to be performed by the Judges in the Supreme Courts of Scotland, and to increase the Salaries of certain of the said Judges.<br>In part; namely,—<br>Title from "and to increase" to the end of title.<br>Preamble.<br>Section one, to "of the same that" the words "lords commissioners of the Court of Justiciary and of," and from "and such duties" to the end of the section.<br>Section two.<br>Section three, the words "and also of the circuit clerks of the said court."<br>Section six.<br>Section seven from "by the remaining" to the end of the section.<br>Section twelve. |
| 2 & 3 Vict. c. 62. | An Act to explain and amend the Acts for the Commutation of Tithes in England and Wales.<br>In part; namely,—<br>Sections eight to thirteen, twenty-two, twenty-four, twenty-six, twenty-seven, and twenty-nine to thirty-three, except as to any tithes which have not been commuted. |

| Reign and Chapter. | Title. |
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| 2 & 3 Vict. c. 75. | An Act for the better regulation of the Constabulary Force in Ireland.<br>In part; namely,—<br>Section nineteen, from "and copies thereof" to "the assizes." |
| 3 & 4 Vict. c. 15. | An Act further to explain and amend the Acts for the Commutation of Tithes in England and Wales.<br>In part; namely,—<br>Sections one to sixteen, eighteen, nineteen, twenty-one, and twenty-five to twenty-seven, except as to any tithes which have not been commuted. |
| 3 & 4 Vict. c. 56. | An Act further to regulate the Trade of Ships built and trading within the limits of the East India Company's Charter.<br>Repealed as to all Her Majesty's dominions. |
| 3 & 4 Vict. c. 105. | An Act the title of which begins with the words "An Act for extending" and ends with the words "in Ireland."<br>In part; namely,—<br>Section seven.<br>Section twenty-one from "and to abolish" to next following "Ireland." |
| 3 & 4 Vict. c. 109. | An Act the title of which begins with the words "An Act to annex" and ends with the words "Borough Rate."<br>In part; namely,—<br>Section fourteen, from "and the words" to the end of the section. |
| 5 & 6 Vict. c. 28. | An Act the title of which begins with the words "An Act to assimilate" and ends with the words "in lieu thereof."<br>In part; namely,—<br>Section seventeen. |
| 5 & 6 Vict. c. 54. | An Act to amend the Acts for the Commutation of Tithes in England and Wales.<br>In part; namely,—<br>Sections two, four, and nine to eleven, except as to any tithes which have not been commuted. |
| 5 & 6 Vict. c. 98. | An Act to amend the Laws Concerning Prisons.<br>In part; namely,—<br>Sections five and six, except as to any borough levying a gaol rate at the passing of this Act.<br>The rest of the Act except sections twelve, thirty-one, and thirty-three.<br>Section thirty-one, from "after the first" to "forty-three." |

## PART II.

| Reign and Chapter. | Title. |
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| 55 Geo. 3. c. 84 - | An Act to amend so much of an Act of the Thirty-third Year of His present Majesty as relates to fixing the Limits of the Towns of Calcutta, Madras, and Bombay.<br>In part; namely,—<br>Preamble and section one, to "of the same, that," and the word "that" before "such extended." |

| Reign and Chapter. | Title. |
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| 55 Geo. 3. c. 90. | An Act, the title of which begins with the words "An Act to explain," and ends with the words "and others."<br>In part; namely,—<br>Preamble and section one, to "same, that." |
| 55 Geo. 3. c. 100. | An Act, the title of which begins with the words "An Act to provide," and ends with the words "in Ireland."<br>In part; namely,—<br>Preamble.<br>Section nineteen, the words "the governor and company of" where they first occur. |
| 55 Geo. 3. c. 104. | An Act, the title of which begins with the words "An Act to make further," and ends with the words "so licensed."<br>In part; namely,—<br>Title, from "and for securing" to end of title.<br>Section fifteen, to "Act." |
| 55 Geo. 3. c. 134. | An Act for altering the Rate at which the Crown may exercise its Right of Pre-emption of Ore in which there is Lead.<br>In part; namely,—<br>Preamble and section one, to "of this Act." |
| 55 Geo. 3. c. 137. | An Act, the title of which begins with the words "An Act to prevent," and ends with the words "to the Poor."<br>In part; namely,—<br>Title from "to alter" to "at a Time."<br>Section five, to "enacted that." |
| 55 Geo. 3. c. 143. | An Act to amend the Acts relating to the building and repairing of County Bridges.<br>In part; namely,—<br>Section two, to "enacted that."<br>Section five, to "passing of this Act." |
| 55 Geo. 3. c. 147. | An Act, the title of which begins with the words "An Act for enabling" and ends with the words "other Purposes."<br>In part; namely,—<br>Preamble and section one, to "of this Act," and the word "that" before "the whole."<br>Section four, to "passing of this Act" and the word "that" before "from and after."<br>Section five, to "enacted, that," and the words "from and after the passing of this Act."<br>Section six, to "of this Act."<br>Section eleven, to "enacted, that" and the word "that" before "within."<br>Section twelve, to "passing of this Act." |
| 55 Geo. 3. c. 157. | An Act, the title of which begins with the words "An Act for the better," and ends with the words "Great Britain."<br>In part; namely,—<br>Preamble and section one, to "this Act."<br>Section two, the words "from and after the passing of this Act."<br>Section nine, the words "from and after the passing of this Act." |
| 55 Geo. 3. c. 184. | An Act, the title of which begins with the words "An Act for repealing" and ends with the words "lieu thereof."<br>In part; namely,—<br>Section two, to "enacted that," and the word "that" before "the said Schedule." |

| Reign and Chapter. | |
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| 55 Geo. 3. c. 184 —*cont.* | Section twenty-one, to "last; and that," and from "within one" to "afterwards," and the word "that" after "account; and," and after "circulation; and."<br>Section twenty-four, to "fifteen."<br>Section thirty-seven, to "fifteen."<br>Section thirty-eight, to "this Act."<br>Section forty-five, the words "from and after the passing of this Act," and "his heirs or successors."<br>Section fifty, to "enacted," and the word "that" before "where." |
| 56 Geo. 3. c. 39. - | An Act to reduce the Number of Days of Muster or Exercise of Yeomanry and Volunteer Cavalry.<br>In part; namely,—<br>Title, the words "and Volunteer Cavalry."<br>Preamble and section one, to "of this Act."<br>The words "or Volunteer Cavalry" wherever they occur. |
| 56 Geo. 3. c. 50. - | An Act to regulate the Sale of Farming Stock taken in Execution.<br>In part; namely,—<br>Preamble and section one, to "of this Act." |
| 56 Geo. 3. c. 52. - | An Act, the title of which begins with the words "An Act to amend," and ends with the words "therein mentioned."<br>In part; namely,—<br>Preamble and section one, to "same, that." |
| 56 Geo. 3. c. 55. - | An Act, the title of which begins with the words "An Act to amend," and ends with the words "in Ireland."<br>In part; namely,—<br>Section seven, to "enacted that."<br>Section nine, to "this Act." |
| 56 Geo. 3. c. 56. - | An Act, the title of which begins with the words "An Act to repeal," and ends with the words "said Duties."<br>In part; namely,—<br>Section one hundred and twenty-three, the words "from and after the passing of this Act." |
| 56 Geo. 3. c. 87. - | An Act to regulate Proceedings of Grand Juries in Ireland upon Bills of Indictment.<br>In part; namely,—<br>Preamble and section one, to "this Act."<br>Section two, the words "and be it enacted." |
| 56 Geo. 3. c. 96. - | An Act, the title of which begins with the words "An Act for establishing," and ends with the words, "and sixteen."<br>In part; namely,—<br>Section three, to "as aforesaid," and the words "be and the same," and the word "that" before "the said sum."<br>Section five, the words "of the said governor and company" where they first occur. |
| 56 Geo. 3. c. 98. - | An Act, the title of which begins with the words "An Act to unite," and ends with the words "United Kingdom."<br>In part; namely,—<br>Section one, from "from and after" to "seventeen" where it first occurs.<br>Section two, to "seventeen" where it first occurs, and the word "that" before "whenever." |

| Reign and Chapter. | Title. |
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| 56 Geo. 3. c. 100. | An Act for more effectually securing the Liberty of the Subject.<br>In part; namely,—<br>Preamble and section one, to "same, that." |
| 56 Geo. 3. c. 104. | An Act for . . . . . obliging Exporters of Excisable Goods on Drawback to give Notice of Shipment. |
| 56 Geo. 3. c. 120. | An Act, the title of which begins with the words "An Act to procure," and ends with the words "in Ireland."<br>In part; namely,—<br>Preamble.<br>Section one, to "of the same that." |
| 56 Geo. 3. c. 129. | An Act to repeal certain Provisions in Local Acts for the Maintenance and Management of the Poor.<br>In part; namely,—<br>Section two, to "Act." |
| 56 Geo. 3. c. 139. | An Act to regulate the binding of Parish Apprentices.<br>In part; namely,—<br>Section nine, to "enacted that," and the word "that" before "no settlement."<br>Section eleven to "enacted that." |
| 56 Geo. 3. c. 141. | An Act, the title of which begins with the words "An Act for enabling," and ends with the words "or Churchyards."<br>In part; namely,—<br>Preamble and section one, to "this Act." |
| 57 Geo. 3. c. 6. | An Act, the title of which begins with the words "An Act to make," and ends with the words "and Attempts."<br>In part; namely,—<br>Title, the words "and Government," and from "and for the" to the end of title.<br>Preamble, from "or to deprive" to "heirs and successors," where those words thirdly occur.<br>Section four, the words "or the death of his royal Highness the Prince Regent," "or assassination or killing of his royal Highness the Prince Regent," "or any such attempt against the life of the Prince Regent," "or against the person of the Prince Regent," "or the life of the Prince Regent," and "or of the Prince Regent." |
| 57 Geo. 3. c. 19. | An Act for the more effectually preventing Seditious Meetings and Assemblies.<br>In part; namely,—<br>Section twenty-nine, the words "after the passing of this Act." |
| 57 Geo. 3. c. 44. | An Act, the title of which begins with the words "An Act to allow," and ends with the words "of Constable."<br>In part; namely,—<br>Title the words "or Volunteer Cavalry," and from "and Officers" to "Corps," where it next occurs.<br>Preamble.<br>Section one, to "same, that," and the words "or volunteer cavalry."<br>Section three, the words "or volunteer cavalry" twice occurring. |
| 57 Geo. 3. c. 52. | An Act, the title of which begins with the words "An Act to alter," and ends with the words "by Tenants"<br>In part; namely,—<br>To "this Act." |

| Reign and Chapter. | Title. |
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| 57 Geo. 3. c. 53. - | An Act for the more effectual Punishment of Murders and Manslaughters committed in Places not within His Majesty's Dominions.<br>In part; namely,—<br>To "passing of this Act." |
| 57 Geo. 3. c. 56. - | An Act to amend the Laws in respect to forfeited Recognizances in Ireland.<br>In part; namely,—<br>Section thirty, to "enacted that." |
| 57 Geo. 3. c. 68. - | An Act to amend the Laws relating to Sheriffs in Ireland.<br>In part; namely,—<br>Preamble, and section one, to "this Act." |
| 57 Geo. 3. c. 93. - | An Act to regulate the Costs of Distresses levied for Payment of Small Rents.<br>In part; namely,—<br>Preamble, and section one, to "this Act." |
| 57 Geo. 3. c. 108. | An Act for the Regulation of levying Tolls at Fairs, Markets, and Ports in Ireland.<br>In part; namely,—<br>Preamble, and section one, to "and eighteen."<br>Section seven, from "on or before", to "eighteen" where that word first occurs, and from "Provided always" to the end of the section. |
| 57 Geo. 3. c. 117. | An Act to regulate the issuing of Extents in Aid.<br>In part; namely,—<br>Preamble, and section one, to "same, that"; the words "after the passing of this Act;" and the word "that" wherever it occurs in that section.<br>Section four, to "this Act," and the word "that" before "all and every." |
| 58 Geo. 3. c. 28. - | An Act, the title of which begins with the words "An Act to repeal," and ends with the words "lieu thereof."<br>In part; namely,—<br>Section two, the words "from and after the passing of this Act." |
| 58 Geo. 3. c. 31. - | An Act, the title of which begins with the words "An Act to amend," and ends with the words "in Ireland."<br>In part; namely,—<br>Preamble.<br>Section one, to "of the same that." |
| 58 Geo. 3. c. 45. - | The Church Building Act, 1818.<br>In part; namely,—<br>Section fourteen, to "enacted that," and the word "so" before "offering."<br>Section forty, to "enacted that."<br>Section fifty-one, to "enacted that." |
| 58 Geo. 3. c. 47. - | An Act, the title of which begins with the words "An Act to establish," and ends with the words "in Ireland."<br>In part; namely,—<br>Section two, from "and also that" to the end of the section. |
| 58 Geo. 3. c. 57. - | An Act, the title of which begins with the words "An Act to amend," and ends with the words "such Licences."<br>In part; namely,—<br>Preamble.<br>Section two, to "this Act." |

| Reign and Chapter. | Title. |
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| 58 Geo. 3. c. 66. - | An Act, the title of which begins with the words "An Act to empower," and ends with the words "of Parliament."<br>In part; namely,—<br>Preamble and section one to "same that." |
| 58 Geo. 3. c. 69. - | An Act for the Regulation of Parish Vestries.<br>In part; namely,—<br>Preamble and section one to "and eighteen."<br>Section two, to "enacted that." |
| 58 Geo. 3. c. 70. - | An Act, the title of which begins with the words "An Act for repealing," and ends with the words "other Offences."<br>In part; namely,—<br>Title, from "for repealing" to "Offences; and." |
| 58 Geo. 3. c. 81. - | An Act, the title of which begins with the words "An Act for extending," and ends with the words "Matrimonial Contracts."<br>In part; namely,—<br>Title, the words "and to Matrimonial Contracts."<br>Preamble and section one to "same that." |
| 59 Geo. 3. c. 7. - | An Act to regulate the Cutlery Trade in England.<br>In part; namely,—<br>Preamble.<br>Section one, to "this Act."<br>Section three, to "this Act."<br>Section four, to "this Act," where first occurring.<br>Section five, to "this Act," where first occurring.<br>Section six.<br>Section seven, the words "from and after the passing of this Act." |
| 59 Geo. 3. c. 12. - | An Act to amend the Laws for the Relief of the Poor.<br>In part; namely,—<br>Section six, to "enacted that."<br>Section twelve, to "enacted that."<br>Section nineteen, to "and twenty."<br>Section twenty-four, to "enacted, that." |
| 59 Geo. 3. c. 35. - | An Act, the title of which begins with the words "An Act to amend," and ends with the words "Civil Causes."<br>In part; namely,—<br>Preamble.<br>Section twenty-six, to "Act," and the words "or stewart." |
| 59 Geo. 3. c. 45. - | An Act to explain and amend certain Acts relative to the Court of Session in Scotland.<br>In part; namely,<br>Preamble and section one, to "same, that."<br>The words "his heirs and successors," in sections one and two. |
| 59 Geo. 3. c. 60 - | An Act, the title of which begins with the words "An Act to permit," and ends with the words "the Colonies."<br>In part, namely,—<br>Preamble.<br>Section one, to "this Act," and the word "that" before "a declaration," and before "in every." |
| 59 Geo. 3. c. 84. - | An Act, the title of which begins with the words "An Act to amend," and ends with the words "the same."<br>In part; namely,—<br>Title, from "and for a more," to end of title.<br>Section forty-three to "enacted that," the word "said" where it first occurs, and the word "that" before "it shall." |

| Reign and Chapter. | Title. |
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| 59 Geo. 3. c. 92. - | An Act, the title of which begins with the words "An Act to enable," and ends with the words "their Apprentices."<br>In part; namely,—<br>Title from "to make provision," to end of title.<br>Section three, to "Act." |
| 59 Geo. 3. c. 95. - | An Act for confirming ancient Separations of Towns Corporate from Parishes in regard to the Maintenance of the Poor.<br>In part; namely,—<br>From "And whereas" to "this Act," where those words first occur. |
| 59 Geo. 3. c. 134. | The Church Building Act, 1819.<br>In part; namely,—<br>Section five, to "enacted that."<br>Section thirty-one, to "enacted that." |
| 59 Geo. 3. c. 135. | An Act, the title of which begins with the words "An Act to repeal," and ends with the words "in Scotland."<br>In part; namely,—<br>Title, the words "and for Regulation of Ferries in Scotland."<br>Section thirty-four, to "enacted that." |
| 60 Geo. 3. and 1 Geo. 4. c. 4. | An Act to prevent Delay in the Administration of Justice in Cases of Misdemeanor.<br>In part; namely,—<br>Preamble.<br>Section one, to "this Act," where those words first occur. |
| 60 Geo. 3. and 1 Geo. 4. c. 8. | An Act for the more effectual Prevention and Punishment of blasphemous and seditious Libel.<br>In part; namely,—<br>Section four, the words "after the passing of this Act," occurring twice, the word "either" before "to suffer," and from "or to be banished" to the end of the section. |
| 1 Geo. 4. c. 4. - | An Act for punishing criminally Drivers of Stage Coaches and Carriages for Accidents occasioned by their wilful Misconduct.<br>In part; namely,—<br>To "same, that." |
| 1 Geo. 4. c. 5. - | An Act the title of which begins with the words "An Act to enable," and ends with the words "Party thereto."<br>In part; namely,—<br>Section two, to "enacted that." |
| 1 Geo. 4. c. 36. - | An Act the title of which begins with the words "An Act for allowing" and ends with the words "are situate."<br>In part; namely,—<br>Preamble.<br>Section one to "this Act." |
| 1 Geo. 4. c. 57. - | An Act, the title of which begins with the words "An Act to repeal" and ends with the words "in lieu thereof."<br>In part; namely,—<br>Preamble.<br>Section two, to "Act." |

| Reign and Chapter. | Title. |
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| 1 Geo. 4. c. 68. - | An Act for the better Administration of Justice in the Court of Exchequer Chamber in Ireland.<br>In part; namely,—<br>Preamble.<br>Section one, to "session of Parliament," and the word "that" before "the clerk," and before "the said table."<br>Section four, from "after the last" to "Parliament."<br>Section five, from "after the last" to "Parliament."<br>Section seven, to "this Act." |
| 1 Geo. 4. c. 92. - | An Act for the further Prevention of forging and counterfeiting of Bank Notes.<br>In part; namely,—<br>Section two, to "enacted that." |
| 1 Geo. 4. c. 100. | An Act, the title of which begins with the words "An Act for amending," and ends with the words "of London."<br>In part; namely,—<br>Section thirty-six, to "enacted that," and the word "that" before "a duplicate."<br>Section forty-two to "Act" where it first occurs, and the words "from and after the passing of this Act," where they secondly occur.<br>Section forty-four, to "enacted that." |
| 1 Geo. 4. c. 101. | An Act to enable the Examination of Witnesses to be taken in India in support of Bills of Divorce on account of Adultery committed in India.<br>In part; namely,—<br>Preamble and section one, to "same, that," and the word "that" before "in all cases."<br>Section two, the word "that" before "two copies."<br>Section four, to "this Act," and the word "that" before "such proceedings." |
| 1 & 2 Geo. 4. c. 23 | An Act to amend the Law respecting the inclosing of Open Fields, Pastures, Moors, Commons, and Waste Lands in England.<br>In part; namely,—<br>Preamble.<br>Section one, to "this Act." |
| 1 & 2 Geo. 4. c. 24. | An Act, the title of which begins with the words "An Act to extend," and ends with the word "Ireland."<br>In part; namely,—<br>Section one to "twenty-two." |
| 1 & 2 Geo. 4. c. 33. | An Act, the title of which begins with the words "An Act to make," and ends with the words "in Ireland."<br>In part; namely,—<br>Section nine, to "enacted that." |
| 1 & 2 Geo. 4. c. 48 | An Act to amend the several Acts for the Regulation of Attorneys and Solicitors.<br>In part; namely,—<br>Preamble.<br>Section two, to "this Act," and the words "now is or hereafter." |

| Reign and Chapter. | Title. |
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| 1 & 2 Geo. 4. c. 58. | An Act to regulate the Expenses of Elections of Members to serve in Parliament for Ireland.<br>In part; namely,—<br>Preamble. |
| & 2 Geo. 4. c. 72. | An Act, the title of which begins with the words "An Act to establish," and ends with the words "Three Millions."<br>In part; namely,—<br>Section seven, from "previous" to "thirty-eight, nor." |
| 1 & 2 Geo. 4. c. 76. | An Act, the title of which begins with the words "An Act to continue," and ends with the words "Queen Anne."<br>In part; namely,—<br>Title, from "and also," to end of title.<br>Preamble and section one, to "same, that.'<br>Section sixteen, to "justice, that."<br>Section eighteen, to "enacted, that." |
| 1 & 2 Geo. 4. c. 88. | An Act for the Amendment of the Law of Rescue.<br>In part; namely,—<br>Preamble.<br>Section one, to "this Act."<br>Section two, to "this Act." |
| 1 & 2 Geo. 4. c. 112. | An Act, the title of which begins with the words "An Act to grant," and ends with the words "in Ireland."<br>In part; namely,—<br>Title from "and to repeal," to end of title. |
| 1 & 2 Geo. 4. c. 121. | An Act, the title of which begins with the words "An Act to alter," and ends with the words "Colonial Revenues."<br>In part; namely,—<br>Title, from "alter, and" to "perpetual and."<br>Section twenty-seven, to "enacted, that." |
| 3 Geo. 4. c. 33. - | An Act, the title of which begins with the words "An Act for altering," and ends with the words "malicious Offenders."<br>In part; namely,—<br>Section ten, to "enacted, that." |
| 3 Geo. 4. c. 39. - | An Act for preventing Frauds upon Creditors by secret Warrants of Attorney to confess Judgment.<br>In part; namely,—<br>Preamble.<br>Section one, to "September next."<br>Section two, to "September next."<br>Section three, to "enacted that." |
| 3 Geo. 4. c. 52. - | An Act, the title of which begins with the words "An Act to grant," and ends with the word "twenty-four."<br>In part; namely,—<br>Title, from "to grant" to "Consumption and," and from "until" to end of Title. |
| 3 Geo. 4. c. 72. - | The Church Building Act, 1822.<br>In part; namely,—<br>Preamble and section one, to "same, that."<br>Section one, the words "any three or more of" "commissioners of his Majesty's" and from "of the United" to "Ireland." |

| Reign and Chapter. | Title. |
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| 3 Geo. 4. c. 72.—*cont.* | Section twenty, to "enacted, that."<br>Section twenty-eight, to "enacted, that."<br>Section thirty-two, to "enacted, that."<br>Section thirty-three, to "enacted, that." |
| 3 Geo. 4. c. 91. - | An Act for regulating the mode of accounting for the Common Good and Revenues of the Royal Burghs of Scotland.<br>In part; namely,—<br>Preamble.<br>Section one, to "of this Act." |
| 3 Geo. 4. c. 116. - | An Act for the more convenient and effectual registering in Ireland Deeds executed in Great Britain.<br>In part; namely,—<br>Preamble and section one, to "same, that."<br>Section three, from "anything whatsoever" to "notwithstanding." |
| 4 Geo. 4. c. 7. - | An Act to regulate the Appointment and Swearing into Office of the Chancellor of the Exchequer of Ireland.<br>In part; namely,—<br>Title the words "and Swearing into Office."<br>Preamble.<br>Section one, to "this Act." |
| 4 Geo. 4. c. 27. - | An Act, the title of which begins with the words "An Act to amend," and ends with the words "Towns Corporate." |
| 4 Geo. 4. c. 35. - | An Act, the title of which begins with the words "An Act to enable," and ends with the words "such Acts."<br>In part; namely,—<br>Preamble and section one, to "same, that," and the words "or of this Act." |
| 4 Geo. 4. c. 36. - | An Act to discourage the granting of Leases in Joint Tenancy in Ireland.<br>In part; namely,—<br>Preamble.<br>Section one, to "this Act." |
| 4 Geo. 4. c. 48. - | An Act for enabling Courts to abstain from pronouncing Sentence of Death in certain Capital Felonies.<br>In part; namely,—<br>Preamble.<br>Section one, to "this Act." |
| 4 Geo. 4. c. 55. - | An Act, the title of which begins with the words "An Act to consolidate," and ends with the words "in Ireland."<br>In part; namely,—<br>Section twenty-four, to "enacted that."<br>The words "And . . . that" at the commencement of sections twenty-five to twenty-seven, thirty-three, sixty-three, sixty-six, sixty-seven, seventy-one, seventy-three to seventy-five, eighty-two and eighty-six, and the word "that" wherever it occurs with reference to the introductory words so repealed.<br>Section twenty-eight, to "passing of this Act." |
| 4 Geo. 4. c. 60. - | An Act for granting to His Majesty a Sum of Money to be raised by Lotteries.<br>In part; namely,—<br>Section nineteen to "relating thereto." |

| Reign and Chapter. | Title. |
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| 4 Geo. 4. c. 60.—*cont.* | Section thirty-eight, to "enacted that," and the word "that" before "service," before "in default," and before "upon proof."<br>The word "And" where it first occurs in sections thirty-nine, forty-one, fifty-nine, sixty-one, sixty-two, sixty-seven, and sixty-eight. |
| 4 Geo. 4. c. 67. | An Act, the title of which begins with the words "An Act to declare," and ends with the words "Factory there."<br>In part; namely,—<br>To "same, that," and the word "said" where it first occurs before "Russia." |
| 4 Geo. 4. c. 71. | An Act, the title of which begins with the words "An Act . . . for establishing," and ends with the words "at Bombay."<br>In part; namely,—<br>The words "And . . . that" at the commencement of sections three and eleven.<br>Section eleven, the word "that" before "all such" and before "no fees."<br>Section seventeen, to "enacted that," and the word "that" before "it shall be."<br>Repealed as to Her Majesty's Dominions. |
| 4 Geo. 4. c. 76. | An Act for amending the Laws respecting the Solemnization of Marriages in England.<br>In part; namely,—<br>Preamble.<br>The word "And" where it first occurs in sections two, three, six, nine to eleven, sixteen, seventeen, nineteen, twenty-one, twenty-three, twenty-four, twenty-seven, thirty-two, and thirty-three.<br>Section two, to "November."<br>Section six, to "November and," and the word "afterwards."<br>Section eight, the words "after the first day of November next."<br>Section ten, the words "from and after the said first day of November."<br>Section fourteen, to "enacted," and the word "that" after "marriage."<br>Section twenty-one, from "from and after" to "November."<br>Section twenty-three, the words "after the said first day of November next" twice occurring.<br>Section twenty-eight, to "November." |
| 4 Geo. 4. c. 80. | An Act, the title of which begins with the words "An Act to consolidate," and ends with the words "in India."<br>In part; namely,—<br>Title, from "and to amend" to end of title.<br>Section twenty-seven, the words "from and after the passing of this Act."<br>Section twenty-nine, to "enacted that."<br>Section thirty, to "enacted that," and the word "that" before "for want."<br>Section thirty-one, the word "such" where it first occurs.<br>Section thirty-four, the words "from and after the passing of this Act."<br>Repealed as to all Her Majesty's Dominions. |

| Reign and Chapter. | Title. |
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| 4 Geo. 4. c. 87. - | An Act, the title of which begins with the words "An Act to amend," and ends with the words "in Ireland."<br>In part; namely,—<br>Preamble.<br>Section one, to "this Act," where those words first occur, from "at any time" to "this Act," where those words next occur, from "or who being a member" to "as a member thereof;" and the words "after the expiration of fourteen days next after the passing of this Act."<br>Section three, from "at any time" to "of this Act." |
| 4 Geo. 4. c. 89. - | An Act, the title of which begins with the words "An Act to limit," and ends with the words "therein mentioned."<br>In part; namely,—<br>Preamble and section one, to "same, that," and the words "after the passing of this Act." |
| 4 Geo. 4. c. 98. - | An Act for the better granting of Confirmations in Scotland.<br>In part; namely,—<br>Preamble.<br>Section one, to "this Act."<br>Section two, to "twenty-four."<br>Section three, to "twenty-four." |
| 5 Geo. 4. c. 12. - | An Act, the title of which begins with words "An Act to facilitate," and ends with the words "and Wales."<br>In part; namely,—<br>Preamble.<br>Section one, to "of the same, that." |
| 5 Geo. 4. c. 25. - | An Act, the title of which begins with the words "An Act to repeal," and ends with the words "Established Church."<br>In part; namely,—<br>Title from "and to make" to the end of the title.<br>Preamble. |
| 5 Geo. 4. c. 72. - | An Act for amending and rendering more effectual an Act for augmenting Parochial Stipends in certain Cases in Scotland.<br>In part; namely,—<br>Preamble.<br>Section one, to "passing of this Act, and."<br>Section two, to "enacted that."<br>Section four, to "enacted that." |
| 5 Geo. 4. c. 84. - | An Act for the Transportation of Offenders from Great Britain.<br>In part; namely,—<br>Section two, from "or Common Pleas" to "of the coif," and the words "justice or baron." |
| 5 Geo. 4. c. 87. - | An Act to authorise the Proprietors of Entailed Estates in Scotland to grant Provisions to the Wives or Husbands and Children of such Proprietors.<br>In part; namely,—<br>Preamble.<br>Section one, to "of the same, that." |

| Reign and Chapter. | Title. |
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| 5 Geo. 4. c. 90. - | An Act to amend an Act for building additional Places of Worship in the Highlands and Islands of Scotland.<br>In part; namely,—<br>Section eighteen to "enacted that."<br>Section twenty, to "enacted that."<br>Section twenty-eight, to "enacted that." |
| 5 Geo. 4. c. 96. - | An Act to consolidate and amend the laws relative to the Arbitration of Disputes between Masters and Workmen.<br>In part; namely,—<br>Preamble. |
| 5 Geo. 4. c. 102. - | An Act, the title of which begins with the words "An Act to amend," and ends with the words "Dublin Metropolis."<br>In part; namely,—<br>Section eight, to "enacted that." |
| 5 Geo. 4. c. 103. - | The Church Building Act, 1824.<br>In part; namely,—<br>Preamble.<br>Section five, to "enacted that." |
| 6 Geo. 4. c. 7. - | An Act for the further Repeal of certain Duties of Assessed Taxes, and for granting Relief in the Cases therein mentioned.<br>In part; namely,—<br>Section two, to "enacted that." |
| 6 Geo. 4. c. 8. - | An Act, the title of which begins with the words "An Act to amend," and ends with the words "therein mentioned."<br>In part; namely,—<br>Preamble.<br>Section one, to "of the same that."<br>Section three, to "enacted that." |
| 6 Geo. 4. c. 23. - | An Act for the better Regulation of the Sheriff and Stewart and Burgh Courts of Scotland.<br>In part; namely,—<br>Title, the words "and Stewart."<br>Section one, to "of the same that," and the word "said" where it secondly, thirdly, and sixthly occurs.<br>Section three, to "enacted that."<br>Section eight, to "enacted that." |
| 6 Geo. 4. c. 48. - | An Act, the title of which begins with the words "An Act to alter," and ends with the words "in Scotland."<br>In part; namely,—<br>Section two, the words "or stewartries." |
| 6 Geo. 4. c. 51. - | An Act, the title of which begins with the words "An Act for the amendment," and ends with the words "in Ireland."<br>In part; namely,—<br>Preamble.<br>Section five, to "enacted that." |
| 6 Geo. 4. c. 57. - | An Act for the Amendment of the Law respecting the Settlement of the Poor so far as regards Rating Tenements and paying Parochial Taxes.<br>In part; namely,—<br>Preamble. |

| Reign and Chapter. | Title. |
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| 6 Geo. 4. c. 69. - | An Act, the title of which begins with the words "An Act for punishing," and ends with the words "South Wales."<br>In part; namely,—<br>Title from "and better" to end of title.<br>Preamble.<br>Section one, to "of the same that." |
| 6 Geo. 4. c. 78. - | An Act to repeal the several Laws relating to the Performance of Quarantine, and to make other Provisions in lieu thereof.<br>In part; namely,—<br>Section fourteen, to "enacted that." |
| 6 Geo. 4. c. 81. - | An Act, the title of which begins with the words "An Act to repeal," and ends with the words "Excise Licences."<br>In part; namely,—<br>Preamble.<br>Section two, to "repealed," and the words "his heirs and successors," and the word "that" before "for the better," and before "all the monies."<br>Section nine, to "twenty-five" where it first occurs, and the word "said" before "fifth."<br>Section twenty-nine to "enacted that." |
| 6 Geo. 4. c. 82. - | An Act, the title of which begins with the words "An Act to abolish," and ends with the words "of his Office."<br>In part; namely,—<br>Title from "to abolish" to "Court, and" and the word "said."<br>Section ten the words "his heirs and successors." |
| 6 Geo. 4. c. 92. - | An Act, the title of which begins with the words "An Act to render," and ends with the words "been published."<br>In part; namely,—<br>Preamble.<br>Section one, to "of the same, that." |
| 6 Geo. 4. c. 120. - | An Act for the better regulating of the Forms of Process in the Courts of Law in Scotland.<br>In part; namely,—<br>Section twenty-seven, to "authority aforesaid that."<br>Section twenty-eight, to "enacted that."<br>Section thirty-seven, to "enacted that."<br>Section fifty, to "authority aforesaid that," and the word "both."<br>Section fifty-four, to "enacted that." |
| 7 Geo. 4. c. 6. - | An Act to limit and after a certain Period to prohibit the issuing of Promissory Notes under a limited Sum in England.<br>In part; namely,—<br>Preamble.<br>Section three, from "after the said" to "twenty-nine."<br>Section seven to "Act." |
| 7 Geo. 4. c. 8. - | An Act, the title of which begins with the words "An Act to amend," and ends with the words "Special Jurors."<br>In part; namely,—<br>Section three, to "enacted that." |

| Reign and Chapter. | Title. |
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| 7 Geo. 4. c. 38. - | An Act, the title of which begins with the words "An Act to enable," and ends with the words "charged therewith."<br>In part; namely,—<br>Preamble.<br>Section one, to "the same, that." |
| 7 Geo. 4. c. 56. - | An Act, the title of which begins with the words "An Act to suspend," and ends with the words "from India."<br>In part; namely,—<br>Section three, to "therefore enacted that." |
| 7 Geo. 4. c. 58. - | An Act to amend the Laws relating to Corps of Yeomanry Cavalry, and Volunteers, in Great Britain.<br>In part; namely,—<br>Title, the words, "and Volunteers."<br>Preamble.<br>Section two, the words "from and after the passing of this Act," and the words "and volunteers" wherever they occur.<br>Schedule (A), the words "and volunteers." |
| 7 Geo. 4. c. 63. - | An Act, the title of which begins with the words "An Act to provide," and ends with the words "and Wales."<br>In part; namely,—<br>Section eight, to "enacted that." |
| 7 Geo. 4. c. 64. - | An Act for improving the Administration of Criminal Justice in England.<br>In part; namely,—<br>Section twelve, to "enacted that."<br>Section thirteen, to "enacted that."<br>Section fourteen, to "enacted that."<br>Section fifteen, to "enacted that."<br>Section sixteen, to "enacted that."<br>Section seventeen, to "enacted that."<br>Section eighteen, to "enacted that."<br>Section nineteen, to "enacted that."<br>Section twenty-two, to "enacted that."<br>Section twenty-three, to "enacted that."<br>Section twenty-eight, to "enacted that."<br>Section thirty-one, to "enacted that." |
| 7 Geo. 4. c. 74. - | An Act for consolidating and amending the Laws relating to Prisons in Ireland.<br>In part; namely,—<br>Preamble.<br>Section two.<br>Section three, from "and such board" to "in any such prison."<br>Sections seven, eight, ten, and eleven.<br>Section twelve, to "enacted that," and the words "of the said pipe or main or watercourse, or."<br>Sections fourteen to forty-three, forty-five, forty-six, fifty to sixty.<br>Section sixty-one, the word "said" where it first occurs.<br>Sections sixty-four to sixty-six.<br>Section sixty-seven, from "and the several inspectors" to the end of the section.<br>Section sixty-eight.<br>Section sixty-nine, from "and . . . every such chaplain shall by alternate weeks" to "sufficient weight." |

| Reign and Chapter. | Title. |
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| 7 Geo. 4. c. 74.—*cont.* | Sections seventy and seventy-one.<br>Section seventy-two, to "jurisdiction; and," from "and shall regularly" to "to such surgeon or physician," and from "Provided nevertheless" to the end of the section.<br>Sections seventy-three to seventy-seven, seventy-nine and eighty.<br>Section eighty-one, from "grand juror" to "inspector," the words "inspection or," and from "wherein" to the end of the section.<br>Sections eighty-four to eighty-eight.<br>Section ninety, to "enacted that," from "or other," to "time being," and the word "that" before "from and after."<br>Section ninety-two, the words "or other chief governor or governors of Ireland," twice occurring, the words "for the time being," and from "and it shall and may be lawful for the grand jury" to the end of the section.<br>Section ninety-four, from "Provided always" to the end of the section.<br>Section ninety-six, to "abolished and that," from "after the said first," where those words first occur, to next following "twenty-seven" the word "said" before next following "first" and from "and that the sheriff" to "city or town."<br>Section ninety-seven.<br>Section ninety-eight, from "and . . . in any such case no action" to the end of the section.<br>Sections ninety-nine to one hundred and three.<br>Section one hundred and nine, the paragraphs numbered thirteenth, fourteenth, and twenty-fourth.<br>Section one hundred and eleven, to "enacted that," and the word "that" before "such sum" and before "all such."<br>Sections one hundred and twelve to one hundred and fifteen, and one hundred and twenty-three.<br>Section one hundred and thirty-one to "enacted that."<br>Section one hundred and thirty-four, to "enacted that."<br>The Schedules A., B., C., D., and E. |
| 7 & 8 Geo. 4. c. 20. | An Act to regulate the Prosecution of fraudulent Bankrupts in Scotland.<br>In part; namely,—<br>Preamble.<br>Section one, to "of the same that." |
| 7 & 8 Geo. 4. c. 28. | An Act for further improving the Administration of Justice in Criminal Cases in England.<br>In part; namely,—<br>Preamble.<br>Section one, to "of the same that."<br>Section nine, to "enacted that."<br>Section eleven, to "enacted that." |
| 7 & 8 Geo. 4. c. 61. | An Act to amend the Laws for the Regulation of the Butter Trade in Ireland.<br>In part; namely,—<br>Preamble. |

| Reign and Chapter. | Title. |
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| 7 & 8 Geo. 4. c. 75. | An Act the title of which begins with the words "An Act to appoint" and ends with the words "in England."<br>In part; namely,—<br>Preamble.<br>Section one to "of the same that."<br>Section four the words "or stewartry" occurring twice.<br>Section six the words "from and after the passing of this Act." |
| 9 Geo. 4. c. 23. - | An Act, the title of which begins with the words "An Act to enable," and ends with the words "Duties thereon."<br>In part; namely,—<br>Preamble.<br>Section one, to "of the same, that." |
| 9 Geo. 4. c. 29. - | An Act to authorize additional Circuit Courts of Justiciary to be held and to facilitate Criminal Trials in Scotland.<br>In part; namely,—<br>Preamble.<br>Section one, to "of the same, that."<br>Section ten, to "enacted that." |
| 9 Geo. 4. c. 35. - | An Act to protect Purchasers for valuable Consideration in Ireland against Judgments not revived or redocketted within a limited Time.<br>In part; namely,—<br>Preamble.<br>Section eight, to "passing of this Act." |
| 9 Geo. 4. c. 38. - | An Act, the title of which begins with the words "An Act for rectifying," and ends with the words "therein recited."<br>In part; namely,—<br>Section five to "enacted that." |
| 9 Geo. 4. c. 44. - | An Act the title of which begins with the words "An Act to provide," and ends with the words "such Commodities."<br>In part; namely,—<br>Preamble.<br>Section one, to "of the same that," and the word "that" before "all and singular." |
| 9 Geo. 4. c. 54. - | An Act for improving the Administration of Justice in Criminal Cases in Ireland.<br>In part; namely,—<br>Preamble.<br>Section one, to "of the same that."<br>Section twenty-one, to "enacted that."<br>Section twenty-six, to "enacted that."<br>Section twenty-seven, to "enacted that."<br>Section twenty-eight, to "enacted that."<br>Section thirty, to "enacted that."<br>Section thirty-four, to "enacted that." |
| 9 Geo. 4. c. 58. - | An Act the title of which begins with the words "An Act to regulate," and ends with the words "such Certificate."<br>In part; namely,—<br>Preamble. |

| Reign and Chapter. | Title. |
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| 9 Geo. 4. c. 61. - | An Act to regulate the granting of Licences to Keepers of Inns, Alehouses and Victualling Houses in England.<br>In part; namely,—<br>Section thirty-seven, to "of certain words," and the words "be it enacted that" and the word "that" wherever it occurs. |
| 9 Geo. 4. c. 69. - | An Act for the more effectual Prevention of Persons going armed by Night for the Destruction of Game.<br>In part; namely,—<br>Preamble.<br>Section one, to "of the same that." |
| 9 Geo. 4. c. 74. - | An Act for improving the Administration of Criminal Justice in the East Indies.<br>In part; namely,—<br>Section one, to "of the same, that."<br>Section seven, to "enacted that." |
| 9 Geo. 4. c. 92. - | An Act to consolidate and amend the Laws relating to Savings Banks.<br>In part; namely,—<br>Section fifty-eight, to "enacted that." |
| 10 Geo. 4. c. 24. - | An Act to enable the Commissioners for the Reduction of the National Debt to grant Life Annuities and Annuities for Terms of Years.<br>In part; namely,—<br>Section nine, to "enacted that."<br>Section nineteen, to "enacted that."<br>Section twenty-one, from "commencing" to "twenty-nine." |
| 10 Geo. 4. c. 38. - | An Act for the more effectual Punishment of Attempts to Murder in certain Cases in Scotland.<br>In part; namely,—<br>Preamble. |
| 10 Geo. 4. c. 41. - | An Act to amend the Laws for the Regulation of the Butter Trade in Ireland.<br>In part; namely,—<br>Sections three, four, five, and six. |
| 10 Geo. 4. c. 44. - | An Act for improving the Police in and near the Metropolis.<br>In part; namely,—<br>Section thirty, to "enacted that."<br>Section thirty-four, to "enacted that." |
| 10 Geo. 4. c. 50. - | An Act, the title of which begins with the words "An Act to consolidate," and ends with the words "and Alderney."<br>In part; namely,—<br>Section eight, the words "and of their successors."<br>Section eleven, to "appointed; and that."<br>Section forty-one, to "enacted that."<br>Section forty-five, to "enacted that."<br>Section forty-six, to "enacted that."<br>Section sixty-three, from "as herein-after mentioned" to "instruments shall be enrolled."<br>Section seventy-three, to "enacted that."<br>Section eighty-eight, to "enacted that."<br>Section eighty-nine, to "enacted that."<br>Section ninety-six, to "enacted that."<br>Section one hundred, to "enacted that," and the word "such" where it thirdly occurs. |

| Reign and Chapter. | Title. |
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| 10 Geo. 4. c. 53. | An Act, the title of which begins with the words "An Act to regulate" and ends with the words "in England."<br>In part; namely,—<br>Section three "to enacted that."<br>Section six to "enacted that."<br>Section nine to "enacted that."<br>Section ten to "enacted that."<br>Section eleven to "enacted that," and the word "that" before "all process."<br>Section twelve, to "enacted that." |
| 11 Geo. 4. and 1 Will. 4. c. 18. | An Act to render valid marriages solemnized in certain Churches and Chapels.<br>In part; namely,—<br>Preamble.<br>Section one, to "of the same that." |
| 11 Geo. 4. and 1 Will. 4. c. 32. | An Act, the title of which begins with the words "An Act to explain," and ends with the words "in Ireland."<br>In part; namely,—<br>Title, the words "the Governor and Company of."<br>Preamble.<br>Section one, to "of the same that."<br>Section six, to "passing of this Act," and the word "that" before "thereupon." |
| 11 Geo. 4. and 1 Will. 4. c. 36. | An Act, the title of which begins with the words, "An Act for altering," and ends with the words "pro Confesso."<br>In part; namely,—<br>Section fifteen, to "enacted that."<br>Section seventeen, from "nor shall anything" to the end of the section. |
| 11 Geo. 4. and 1 Will. 4. c. 37. | An Act the title of which begins with the words "An Act to amend," and ends with the words "Capital Punishment."<br>In part; namely,—<br>Preamble.<br>Section fourteen, to "enacted that." |
| 11 Geo. 4. and 1 Will. 4. c. 39. | An Act the title of which begins with the words "An Act to amend," and ends with the words "the Colonies."<br>In part; namely,—<br>Preamble.<br>Sections one, three, and four. |
| 11 Geo. 4. and 1 Will. 4. c. 40. | An Act for making better Provision for the Disposal of the Undisposed of Residues of the Effects of Testators.<br>In part; namely,—<br>Preamble.<br>Section one, to "of the same, that." |
| 11 Geo. 4. and 1 Will. 4. c. 46. | An Act to alter and amend the Law relating to Illusory Appointments.<br>In part; namely,—<br>Preamble.<br>Section one to "of the same, that," and the word "that," before "every such." |
| 11 Geo. 4. and 1 Will. 4. c. 47. | An Act for consolidating and amending the Laws for facilitating the Payment of Debts out of Real Estate.<br>In part; namely,—<br>Section three, to "enacted that."<br>Section nine, to "Act." |

| Reign and Chapter. | Title. |
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| 11 Geo. 4. and 1 Will. 4. c. 64. | An Act to permit the general Sale of Beer and Cyder by Retail in England.<br>In part; namely,—<br>Preamble.<br>Section one, to "of the same that."<br>Section thirty, to "enacted that," and the word "that" before "all the clauses."<br>Section thirty-two, to "certain words," the words "be it enacted that," and the word "that" wherever it occurs. |
| 11 Geo. 4. and 1 Will. 4. c. 68. | An Act the title of which begins with the words "An Act for the more," and ends with the words "Owners thereof."<br>In part; namely,—<br>Preamble.<br>Section one, to "of the same, that." |
| 11 Geo. 4. and 1 Will. 4. c. 69. | An Act, the title of which begins with the words "An Act for uniting," and ends with the words "of Scotland."<br>In part; namely,—<br>Section twenty-one, to "that hereafter."<br>Section thirty, the words "it is hereby provided that," and the word "that" before "the whole."<br>Section forty, the words "it is provided that." |
| 11 Geo. 4. and 1 Will. 4. c. 70. | An Act for the more effectual Administration of Justice in England and Wales.<br>In part; namely,—<br>Section thirty-three, to "enacted that."<br>Section thirty-five, to "enacted that," and the word "that" before "all acts." |
| 11 Geo. 4. and 1 Will. 4. c. 71. | An Act the title of which begins with the words "An Act for correcting," and ends with the words "of Parliament."<br>In part; namely,—<br>To "of the same that." |
| 1 Will. 4. c. 3. - | An Act, the title of which begins with the words "An Act to amend," and ends with the words "certain Cases."<br>In part; namely,—<br>Section three, to "enacted that," and the word "that" before "in case any." |
| 1 & 2 Will. 4. c. 4. | An Act the title of which begins with the words "An Act to abolish," and ends with the words "in lieu thereof."<br>In part; namely,—<br>Preamble.<br>Section one, to "of the same, that." |
| 1 & 2 Will. 4. c. 22. | An Act, the title of which begins with the words "An Act to amend," and ends with the words "of Stamps."<br>In part; namely,—<br>Section fifty-nine, to "enacted that."<br>Section seventy-four, to "enacted that." |
| 1 & 2 Will. 4. c. 32. | An Act to amend the Laws in England relative to Game.<br>In part; namely,—<br>Section thirty, to "enacted that," and the word "that" before "if any."<br>Section forty-seven, to "enacted that." |

| Reign and Chapter. | Title. |
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| 1 & 2 Will. 4. c. 33. | An Act for the Extension and Promotion of Public Works in Ireland.<br>In part; namely,—<br>Section forty-one, to "enacted that," and the words "as aforesaid" where they first occur.<br>Section forty-six, to "declared that," and the word "that" before "all estate," and before "upon any."<br>Section sixty-six, to "enacted that." |
| 1 & 2 Will. 4. c. 37. | An Act to prohibit the Payment in certain Trades of Wages in Goods or otherwise than in the current Coin of the Realm.<br>In part; namely,—<br>Preamble.<br>Section one, to "of the same that," and the word "that" before "if in any." |
| 1 & 2 Will. 4. c. 38. | The Church Building Act, 1831.<br>In part; namely,—<br>Preamble. |
| 1 & 2 Will 4. c. 41. | An Act, the title of which begins with the words "An Act for amending," and ends with the words "the Peace."<br>In part; namely,—<br>Preamble.<br>Section one, to "of the same that."<br>Section nineteen, to "enacted that." |
| 1 & 2 Will. 4. c. 42. | An Act the title of which begins with the words "An Act to amend," and ends with the words "the poor."<br>In part; namely,—<br>Preamble.<br>Section one, to "of the same, that." |
| 1 & 2 Will. 4. c. 43. | An Act for amending and making more effectual the Laws concerning Turnpike Roads in Scotland. |
| 1 & 2 Will. 4. c. 45. | An Act the title of which begins with the words "An Act to extend," and ends with the words "other Purposes."<br>In part; namely,—<br>Preamble.<br>Section eight, to "enacted that."<br>Section twenty-one, to "enacted that." |
| 1 & 2 Will. 4. c. 48. | An Act the title of which begins with the words "An Act to amend," and ends with the words "in Ireland."<br>In part; namely,—<br>Preamble.<br>Section one, to "of the same, that," and the word "that" before "all the powers," and before "all the provisions." |
| 1 & 2 Will. 4. c. 55. | An Act to consolidate and amend the Laws for suppressing the illicit making of Malt and Distillation of Spirits in Ireland.<br>In part; namely,—<br>Section nine, to "enacted that," and the words "make or" and "making or."<br>Section thirty, to "enacted that."<br>Section forty-two, to "enacted that."<br>Section fifty, to "enacted that."<br>Section fifty-three, to "enacted that." |

| Reign and Chapter. | Title. |
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| 1 & 2 Will. 4. c. 60. | An Act, the title of which begins with the words, "An Act for the better," and ends with the words "and Wales."<br>In part; namely,—<br>Preamble.<br>Section one, to "of the same that."<br>Section forty-one, to "certain words," and the words "be it enacted that," and the word "that," wherever it occurs. |
| 2 & 3 Will. 4. c. 1. | An Act the title of which begins with the words "An Act for uniting," and ends with the words "Land Revenues."<br>In part; namely,—<br>Title, the words "His Majesty's" before "Woods," and the words "Forests and Land Revenues." |
| 2 & 3 Will. 4. c. 4. | An Act for more effectually preventing Embezzlements by Persons employed in the Public Service of His Majesty.<br>In part; namely,—<br>Preamble and section one, to "passing of this Act" where those words secondly occur. |
| 2 & 3 Will. 4. c. 5. | An Act the title of which begins with the words "An Act to provide" and ends with the words "Judges thereof."<br>In part; namely,—<br>Preamble.<br>Section one, to "passing of this Act." |
| 2 & 3 Will. 4. c. 16. | An Act to consolidate and amend the Laws regulating the granting and issuing of Permits for the Removal of Goods under the Laws of Excise.<br>In part; namely,—<br>Preamble and section one, to "of the same, that." |
| 2 & 3 Will. 4. c. 21. | An Act to repeal several Acts of the Parliament of Ireland imposing restrictions upon the Coal Trade, and to regulate the same.<br>In part; namely,—<br>Preamble. |
| 2 & 3 Will. 4. c. 40. | An Act the title of which begins with the words "An Act to amend," and ends with the words "said Departments."<br>In part; namely,—<br>Section five to "Act," where it first occurs. |
| 2 & 3 Will. 4. c. 48. | An Act to regulate the Office of Clerk of the Crown in the Court of King's Bench in Ireland.<br>In part; namely,—<br>Preamble.<br>Section one, to "commencement of this Act," and the words "his heirs and successors."<br>Section thirty-one, the words "of debt bill plaint," and from "in which" to "allowed," and the words "his heirs and successors." |
| 2 & 3 Will. 4. c. 51. | An Act to regulate the Practice and the Fees in the Vice-Admiralty Courts Abroad, and to obviate Doubts as to their Jurisdiction.<br>In part; namely,—<br>Preamble and section one, to "of the same, that," and the word "that" before "all such."<br>Section four, to "enacted that," and the word "that" before "the books." |

| Reign and Chapter. | Title. |
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| 2 & 3 Will. 4. c. 53. | An Act for consolidating and amending the Laws relating to the Payment of Army Prize Money.<br>In part; namely,—<br>Preamble.<br>Section two, to "this Act."<br>Section thirteen, to "this Act."<br>Section twenty, to "Hospital, and."<br>Section thirty-two, the words "after the passing of this Act."<br>Section thirty-eight, from "and with respect" to the end of the section.<br>Section forty-four, to "this Act." |
| 2 & 3 Will. 4. c. 58. | An Act, the title of which begins with the words "An Act to extend," and ends with the words "Parts thereof."<br>In part; namely,—<br>To "of the same, that," and the words "or his Majesty's Court of Exchequer." |
| 2 & 3 Will. 4. c. 60. | An Act for holding the Assizes for the King's County in Ireland Twice in every Year, at Tullamoore, instead of Philipstown.<br>In part; namely,—<br>Preamble.<br>Section one, to "thirty-five" and the word "that" before "all the" and before "the said." |
| 2 & 3 Will. 4. c. 65. | An Act to amend the Representation of the People in Scotland.<br>In part; namely,—<br>Section six, to "Act" where it first occurs.<br>Section seven, to "Act," and the words "the last day of August in the present or" and "future."<br>Section nine, the words "the last day of August in the present or" and "future."<br>Section ten, to "present Parliament," and the word "future."<br>Section eleven, the words "the last day of August in the present or" occurring twice and "the twentieth day of August in the present or" from "next previous to the last day of August," where those words last occur, to "thirty-two, or," the word "succeeding" and the word "future" wherever it occurs.<br>Section thirty-six, the words "from and after the passing of this Act" occurring twice, and the words "after the passing of this Act," where they last occur.<br>Section thirty-seven, to "Parliament" where it first occurs, and the words "after the end of this present Parliament" where they last occur. |
| 2 & 3 Will. 4. c. 68. | An Act, the title of which begins with the words "An Act for the more" and ends with the word "Scotland."<br>In part; namely,—<br>Preamble and section one, to "of the same, that;" and the word "that" before "if any."<br>Section seventeen, to "enacted, that." |
| 2 & 3 Will. 4. c. 69. | An Act to prevent the Application of Corporate Property to the Purposes of Election of Members to serve in Parliament.<br>In part; namely,—<br>Preamble. |

| Reign and Chapter. | Title. |
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| 2 & 3 Will.4. c.69. —*cont.* | Section one, to "Act" and the word "that" before "all bonds."<br>Section six, to "enacted that." |
| 2 & 3 Will.4. c.75. | The Anatomy Act, 1832.<br>In part; namely,—<br>Preamble and section one, to "of the same, that," and from "immediately" to "be required."<br>Section two, from "immediately" to "be necessary."<br>Section nineteen, to "certain words" the words "be it enacted that" and the word "that" before "the meaning." |
| 2 & 3 Will.4. c.80. | An Act to authorise the identifying of Lands and other Possessions of certain Ecclesiastical and Collegiate Corporations.<br>In part; namely,—<br>Preamble, from "and in many cases" to end of preamble.<br>Section one, to "passing of this Act" and the word "that" before "such referee."<br>Section three, to "passing of this Act." |
| 2 & 3 Will.4. c.85. | An Act, the title of which begins with the words "An Act to make" and ends with the words "of the same."<br>In part; namely,—<br>Preamble.<br>Section one, to "of this Act," and the word "that" before "it shall." |
| 2 & 3 Will.4. c. 86. | An Act to amend an Act of the Forty-fifth Year of His Majesty King George the Third, relating to Post Roads in Ireland.<br>In part; namely,—<br>Preamble and section one, to "of the same, that." |
| 2 & 3 Will.4. c. 87. | An Act to regulate the Office for registering Deeds, Conveyances, and Wills, in Ireland.<br>In part; namely,—<br>Section three, to "enacted that."<br>Section four, the word "also" after "oath; and."<br>Section eight, to "enacted that."<br>Section ten, to "enacted that."<br>Section twelve, to "December."<br>Section fourteen, to "December," where that word first occurs.<br>Section sixteen, to "thirty-two."<br>Section seventeen, to "December."<br>Section twenty-eight, to "enacted that."<br>Section twenty-nine, to "enacted that" and the word "that" before "where" and before "every."<br>Section thirty-two, to "enacted that."<br>Section thirty-five, to "enacted that." |
| 2 & 3 Will.4. c.88. | An Act to amend the Representation of the People of Ireland.<br>In part; namely,—<br>Section six, to "Act" where it first occurs. |
| 2 & 3 Will.4. c.93. | An Act for enforcing the Process upon Contempts in the Courts Ecclesiastical of England and Ireland.<br>In part; namely,—<br>Section two, the words "the governor and company of."<br>Section three, the words "the governor and company of." |

| Reign and Chapter. | Title. |
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| 2 & 3 Will. 4. c. 100. | An Act for shortening the Time required in Claims of Modus decimandi or Exemption from or Discharge of Tithes.<br>In part; namely,—<br>Preamble.<br>Section one, to "of the same that."<br>Section two, the word "that" before "no modus." |
| 2 & 3 Will. 4. c. 105. | An Act, the title of which begins with the words "An Act for the better" and ends with the words "the Crown."<br>In part; namely,—<br>Preamble.<br>Section one, to "of the same that." |
| 2 & 3 Will. 4. c. 108. | An Act, the title of which begins with the words "An Act for amending," and ends with the words "the Peace"<br>In part; namely,—<br>Section fourteen, the word "that" before "every."<br>Section fifteen, the word "that" before "every."<br>Section eighteen, the word "that" before "no warrant" and before "where." |
| 2 & 3 Will. 4. c. 112. | An Act, the title of which begins with the words "An Act to authorize" and ends with the words "Land Revenues."<br>In part; namely,—<br>The words "his Majesty's" where they thirdly occur before "woods," and the words "forests and land revenues" where they next occur. |
| 2 & 3 Will. 4. c. 120. | An Act the title of which begins with the words "An Act to repeal" and ends with the words "relating thereto."<br>In part; namely,—<br>Section one hundred and seventeen, to "enacted that," and the word "that" wherever it occurs, except before "is." |
| 2 & 3 Will. 4. c. 123. | An Act for abolishing the Punishment of Death in certain Cases of Forgery.<br>In part; namely,—<br>Preamble and section one, to "of the same, that," and the words "after the passing of this Act" twice occurring.<br>Section three, to "enacted that." |
| 3 & 4 Will. 4. c. 14 | An Act, the title of which begins with the words "An Act to enable" and ends with the words "Savings Banks."<br>In part; namely,—<br>Preamble. |
| 3 & 4 Will. 4. c. 15. | The Dramatic Copyright Act, 1833<br>In part; namely,—<br>Preamble.<br>Section one, to "this Act" where those words first occur, and the word "that" before "the author." |

| Reign and Chapter. | Title. |
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| 3 & 4 Will. 4. c. 22. | An Act to amend the Laws relating to Sewers.<br>In part; namely,—<br>Section forty-two, to "enacted that," and the word "that" before "every such."<br>Section fifty-two, to "enacted that."<br>Section fifty-three, the words "from and after the passing of this Act." |
| 3 & 4 Will. 4. c. 27. | An Act the title of which begins with the words "An Act for the Limitation" and ends with the words "Rights thereto."<br>In part; namely,—<br>Section twenty-four, to "thirty-three."<br>Section twenty-nine, from "after the said" to "thirty-three."<br>Section thirty, to "thirty-three."<br>Section thirty-three, from "after the said" to "thirty-three."<br>Section thirty-nine, from "after the said" to "thirty-three."<br>Section forty-one, to "thirty-three."<br>Section forty-two, to "thirty-three."<br>Section forty-three, to "thirty-three." |
| 3 & 4 Will. 4. c. 29. | An Act, the title of which begins with the words, "An Act to make" and ends with the words "Chelsea Hospital."<br>In part; namely,—<br>Preamble.<br>Section one, to "this Act." |
| 3 & 4 Will. 4. c. 30. | An Act to exempt from Poor and Church Rates all Churches, Chapels, and other Places of Religious Worship.<br>In part; namely,—<br>Preamble.<br>Section one, to "thirty-three." |
| 3 & 4 Will. 4. c. 31. | An Act, the title of which begins with the words "An Act to enable" and ends with the words "next ensuing."<br>In part; namely,—<br>Preamble and section one, to "same, that."<br>Section two. |
| 3 & 4 Will. 4. c. 41. | An Act for the better Administration of Justice in His Majesty's Privy Council.<br>In part; namely,—<br>Section two, to "thirty-three." |
| 3 & 4 Will. 4. c. 42. | An Act for the further Amendment of the Law, and the better Advancement of Justice.<br>In part; namely,—<br>Preamble.<br>Section two, to "enacted that," and the word "that" before "an action."<br>Section sixteen, to "enacted that."<br>Section twenty-three, to "enacted that." |
| 3 & 4 Will. 4. c. 48. | An Act, the title of which begins with the words "An Act to amend," and ends with the words "the Metropolis."<br>In part; namely,—<br>Preamble.<br>Section four, the word "that" wherever it occurs. |

| Reign and Chapter. | Title. |
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| 3 & 4 Will. 4, c. 49. | An Act to allow Quakers and Moravians to make Affirmation in all Cases where an Oath is or shall be required.<br>In part; namely,—<br>To "required," where that word first occurs, the word "therefore," and from "by the King's" to "of the same." |
| 3 & 4 Will. 4. c. 50. | An Act to repeal the several Laws relating to the Customs.<br>In part; namely,—<br>Section three, to "enacted that" and the words "except as herein-after excepted" at the end of the section. |
| 3 & 4 Will. 4. c. 63. | An Act, the title of which begins with the words "An Act to render," and ends with the words "by Corporations."<br>In part; namely,—<br>Preamble.<br>Section one, to "this Act" where first occurring, and from "have been previous" to "allowed, and."<br>Section two, to "this Act," and the words "have been heretofore or."<br>Section three, to "this Act." |
| 3 & 4 Will. 4. c. 68. | An Act to amend the laws relating to the Sale of Wine, Spirits, Beer, and Cider by Retail in Ireland.<br>In part; namely,—<br>Preamble.<br>Section one, to "thirty-three."<br>Section two, to "henceforward." |
| 3 & 4 Will. 4. c. 69. | An Act the title of which begins with the words "An Act to extend" and ends with the words "in Scotland."<br>In part; namely,—<br>Section two, the words "from and after the passing of this Act."<br>Section three, the words "his Majesty's" where they first occur, and "forests and land revenues."<br>Section sixteen, from "during the life" to "preserve shall."<br>Section twenty-two, the words "it is hereby declared that." |
| 3 & 4 Will. 4. c. 70. | An Act, the title of which begins with the words "An Act to alter," and ends with the words "in England."<br>In part; namely,—<br>Preamble.<br>Section one, to "this Act."<br>Section two, to "this Act." |
| 3 & 4 Will. 4. c. 73. | An Act for the Abolition of Slavery throughout the British Colonies.<br>In part; namely,—<br>The whole Act except section twelve.<br>Section twelve, from "from and after" to "thirty-four."<br>Repealed as to all Her Majesty's Dominions. |
| 3 & 4 Will. 4. c. 76. | An Act the title of which begins with the words "An Act to alter" and ends with the words "in Scotland."<br>In part; namely,—<br>Preamble.<br>Section one, to "operation." |

| Reign and Chapter. | Title. |
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| 3 & 4 Will. 4. c. 76. —*cont.* | Section two, the words "the twentieth day of September in the present and," "succeeding," "the said twentieth day of September in the present and," and "in all future years."<br>Section four, the words "on or before the twentieth day of October in the present and."<br>Section fifteen, from "one thousand" to "thirty-four and" and the word "succeeding."<br>Section sixteen, from "in the year" to "thirty-four and," the word "succeeding" where it first occurs, from "and in the said year" to retire," and the word "thereafter."<br>Section twenty-one, the words "from and after the passing of this Act."<br>Section twenty-two, to "operation."<br>Section thirty-two, the words "in the present and." |
| 3 & 4 Will. 4. c. 77. | An Act the title of which begins with the words "An Act to provide" and ends with the words "Royal Burghs."<br>In part; namely,—<br>Preamble.<br>Section one, to "November next."<br>Section eleven, from "one thousand" to "same day," and the word "succeeding."<br>Section twelve, from "in the year" to "thirty-four and," the word "succeeding," from "and in the said year" to "retire," and the word "thereafter."<br>Section thirty-one, the words "in the present and." |
| 3 & 4 Will. 4. c. 87. | An Act, the title of which begins with the words "An Act for remedying," and ends with the words "been omitted."<br>In part; namely,—<br>Preamble and section one, to "same, that." |
| 3 & 4 Will. 4. c. 90. | An Act the title of which begins with the words "An Act to repeal" and ends with the words "lieu thereof."<br>In part; namely,—<br>Section five, to "Act" where it first occurs. |
| 3 & 4 Will. 4. c. 92. | An Act, the title of which begins with the words "An Act to explain," and ends with the words "in Ireland."<br>In part; namely,—<br>Preamble.<br>Section one, to "this Act." |
| 3 & 4 Will. 4. c. 98. | An Act the title of which begins with the words "An Act for giving" and ends with the words "certain Conditions."<br>In part; namely,—<br>Section four, to "thirty-four."<br>Section six, to "thirty-four." |
| 3 & 4 Will. 4. c. 104. | An Act to render Freehold and Copyhold Estates Assets for the Payment of Simple and Contract Debts.<br>In part; namely,—<br>To "after the passing of this Act" and the word "that" before "the heir." |
| 4 & 5 Will. 4. c. 11. | An Act . . . to appropriate any Sums arising from the Redemption of the Land Tax. |

| Reign and Chapter. | Title. |
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| 4 & 5 Will. 4. c. 16. | An Act to abolish the Office of Recorder of the Great Roll or Clerk of the Pipe in the Exchequer in Scotland.<br>In part; namely,—<br>Preamble.<br>Section two, from "from and after" to "thirty-five," and the words "from and upon that day." |
| 4 & 5 Will. 4. c. 22. | An Act the title of which begins with the words "An Act to amend" and ends with the word "Payments."<br>In part; namely,—<br>Section two, to "Act" where it first occurs. |
| 4 & 5 Will. 4. c. 41. | An Act to regulate the appointment of Ministers to Churches in Scotland erected by Voluntary Contribution.<br>In part; namely,—<br>Preamble and section one, to "same, that." |
| 4 & 5 Will. 4. c. 43. | An Act the title of which begins with the words "An Act to authorize" and ends with the words "to Law."<br>In part; namely,—<br>Preamble.<br>Section one, to "same, that." |
| 4 & 5 Will. 4. c. 46. | An Act the title of which begins with the words "An Act to amend" and ends with the words "in Ireland."<br>In part; namely,—<br>Preamble.<br>Section one.<br>Section two, to "enacted, that."<br>Section three, the words "at any time after the passing of this Act." |
| 4 & 5 Will. 4. c. 47. | An Act for preventing the Interference of the Spring Assizes with the April Quarter Sessions.<br>In part; namely,—<br>To "of the same, that." |
| 4 & 5 Will. 4. c. 60. | An Act the title of which begins with the words "An Act to amend" and ends with the words "and Taxes."<br>In part; namely,—<br>Preamble.<br>Section five, to "remembrancer." |
| 4 & 5 Will. 4. c. 65. | An Act for the more effectual Administration of Justice at Norfolk Island. |
| 4 & 5 Will. 4. c. 70. | An Act to regulate the Salaries of the Officers of the House of Commons.<br>In part; namely,—<br>Preamble.<br>Section one, to "Commons" where that word first occurs, and from "in lieu" to the end of the section. |
| 4 & 5 Will. 4. c. 76. | The Poor Law Amendment Act, 1834.<br>In part; namely,—<br>Section fifteen, to "Act" where it first occurs.<br>Section twenty-nine, to "enacted, that."<br>Section thirty-seven, to "this Act."<br>Section fifty-two, to "of this Act."<br>Section fifty-four, to "Act" where it first occurs. |

| Reign and Chapter. | Title. |
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| 4 & 5 Will. 4. c. 76. —*cont.* | Section fifty-five, to "Act."<br>Section fifty-six, to "Act" where it first occurs.<br>Section fifty-eight, to "Act."<br>Section seventy-nine, to "thirty-four."<br>Section eighty-one, to "thirty-four." |
| 4 & 5 Will. 4. c. 78. | An Act for the Amendment of the Proceedings and Practice of the High Court of Chancery in Ireland.<br>In part; namely,—<br>Section two, to "commencement of this Act," and the word "that."<br>Section three, to "this Act."<br>Section nine, to "of this Act."<br>Section eleven. |
| 4 & 5 Will. 4. c. 85. | An Act the title of which begins with the words "An Act to amend," and ends with the words "in England."<br>In part; namely,—<br>Preamble.<br>Section one, to "this Act," and the word "that."<br>Section thirteen, to "such duties."<br>Section nineteen, to "enacted that."<br>Section twenty, to "enacted that." |
| 5 & 6 Will. 4. c. 16. | An Act the title of which begins with the words "An Act for altering," and ends with the words "in Ireland."<br>In part; namely,—<br>Preamble and section one, to "same, that."<br>Section two, to "enacted, that."<br>Section nine, to "of this Act."<br>Section ten, to "of this Act."<br>Section twelve, to "enacted that."<br>Section nineteen, so far as it relates to 2 & 3 Will. 4. c. 33. and 4 & 5 Will. 4. c. 82. |
| 5 & 6 Will. 4. c. 17. | An Act the title of which begins with the words "An Act to extend," and ends with the words "unsound Mind."<br>In part; namely,—<br>Preamble. |
| 5 & 6 Will. 4. c. 24. | An Act the title of which begins with the words "An Act for the" and ends with the word "Navy."<br>In part; namely,—<br>Preamble.<br>Section one, to "same, that," and the word "that" before "at the."<br>Section three, to "enacted that." |
| 5 & 6 Will. 4. c. 27. | An Act to continue and amend certain Regulations for the Linen and Hempen Manufactures in Ireland.<br>In part; namely,—<br>Section thirteen.<br>Section eighteen to "mentioned; and" and the words "after the passing of this Act." |
| 5 & 6 Will. 4. c. 33. | An Act the title of which begins with the words "An Act for preventing," and ends with the words "Indictments . . . ."<br>In part; namely,—<br>Preamble.<br>Section one, to "this Act."<br>Section two, to "enacted, that." |

| Reign and Chapter. | Title. |
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| 5 & 6 Will. 4. c. 36. | An Act to limit the Time of taking the Poll in Boroughs at contested Elections of Members to serve in Parliament to One Day.<br>In part; namely,—<br>Preamble. |
| 5 & 6 Will. 4. c. 38. | An Act, the title of which begins with the words "An Act for effecting," and ends with the words "and Wales. . . ."<br>In part; namely,—<br>Section three, to "of this Act," and the word "that" before "whenever." |
| 5 & 6 Will. 4. c. 39. | An Act, the title of which begins with the words "An Act to exempt," and ends with the words "Removal thereof."<br>In part; namely,—<br>Preamble.<br>Section three, to "this Act." |
| 5 & 6 Will. 4. c. 41. | An Act, the title of which begins with the words "An Act to amend," and ends with the word "Transactions."<br>In part; namely,—<br>Preamble.<br>Section one, to "but nevertheless."<br>Section two, the words "after the passing of this Act." |
| 5 & 6 Will. 4. c. 43. | An Act for enlarging the Powers of Magistrates in the Appointment of Special Constables.<br>In part; namely,—<br>Preamble and section one, to "same, that." |
| 5 & 6 Will. 4. c. 50. | The Highway Act, 1835.<br>In part; namely,—<br>Preamble.<br>Section seventy, to "Act" where it first occurs.<br>Section ninety-four, to "Act" where it first occurs.<br>Section ninety-nine, to "Act." |
| 5 & 6 Will. 4. c. 55. | An Act the title of which begins with the words "An Act for facilitating" and ends with the words "Great Britain."<br>In part; namely,—<br>Section four, to "this Act."<br>Section seven, the words "from and after the commencement of this Act."<br>Section eight, the words "who now is or are or."<br>Section twenty-three, to "Act" where it first occurs.<br>Section thirty-one, to "Act."<br>Section thirty-nine, to "enacted that." |
| 5 & 6 Will. 4. c. 62. | The Statutory Declarations Act, 1835.<br>In part; namely,—<br>Section eighteen, to "enacted that." |
| 5 & 6 Will. 4. c. 64. | An Act to alter certain Duties of Stamps and Assessed Taxes, and to regulate the Collection thereof.<br>In part; namely,—<br>Section four, to "this Act," and the words "for the time being or any three or more of them," and from "or to any lectures" to the end of the section. |

| Reign and Chapter. | Title. |
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| 5 & 6 Will. 4. c. 69. | The Union and Parish Property Act, 1835.<br>In part; namely,—<br>Section two, to "enacted that."<br>Section three, to "enacted that."<br>Section four, so far as relates to 22 Geo. 3. c. 83.<br>Section six, to "enacted that" and the word "that" before "every."<br>Section seven, to "enacted that."<br>Section nine, to "enacted that." |
| 5 & 6 Will. 4. c. 70. | An Act for abolishing, in Scotland, Imprisonment for Civil Debts of small Amount.<br>In part; namely,—<br>Preamble.<br>Section one, to "thirty-six."<br>Section two, to "thirty-six." |
| 5 & 6 Will. 4. c. 73. | An Act to provide that Persons accused of Forgery in Scotland shall not be entitled to Bail unless in certain Cases. |
| 5 & 6 Will. 4. c. 78. | An Act, the title of which begins with the words "An Act to explain" and ends with the words "expences there."<br>In part; namely,—<br>Preamble from "And whereas" to the end of the preamble. |
| 5 & 6 Will. 4. c. 84. | An Act, the title of which begins with the words "An Act to empower," and ends with the words "and Quays."<br>In part; namely,—<br>Preamble and section one, to "same, that." |
| 6 & 7 Will. 4. c. 11. | An Act for the Registration of Aliens.<br>In part; namely,—<br>Preamble.<br>The words "after the commencement of this Act" in sections two and three. |
| 6 & 7 Will. 4. c. 20. | An Act for imposing certain Restrictions on the Renewal of Leases by Ecclesiastical Persons.<br>In part; namely,—<br>Preamble.<br>Section one to "this Act," and the word "that" wherever it occurs.<br>Section ten. |
| 6 & 7 Will. 4. c. 22. | An Act to enable Bastards in Scotland to make testaments.<br>In part; namely,—<br>To "this Act." |
| 6 & 7 Will. 4. c. 33. | An Act, the title of which begins with the words "An Act to amend" and ends with the words "ad remanentiam."<br>In part; namely,—<br>Preamble and section one, to "same that." |
| 6 & 7 Will. 4. c. 37. | An Act, the title of which begins with the words "An Act to repeal" and ends with the words "Limits aforesaid."<br>In part; namely,—<br>Preamble.<br>Section one.<br>Section four, to "of this Act." |
| 6 & 7 Will. 4. c. 38. | An Act, the title of which begins with the words "An Act to amend" and ends with the words "in Ireland."<br>In part; namely,—<br>Preamble.<br>Section one to "thirty-six." |

| Reign and Chapter | Title. |
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| 6 & 7 Will. 4. c. 41. | An Act, the title of which begins with the words "An Act to abolish," and ends with the words "in Scotland."<br>In part; namely,—<br>Preamble.<br>Section one, to "abolished, and." |
| 6 & 7 Will. 4. c. 43. | An Act to provide for the taking of Judicial Ratifications of Scottish Deeds on Oath as heretofore.<br>In part; namely,—<br>Preamble and section one, to "same, that." |
| 6 & 7 Will. 4. c. 56. | An Act, the title of which begins with the words "An Act for regulating," and ends with the words "such Cases."<br>In part; namely,—<br>Preamble and section one, to "thirty-six." |
| 6 & 7 Will. 4. c. 59. | The Prints and Engravings Copyright Act, 1836.<br>In part; namely,—<br>Preamble.<br>Section one, to "this Act."<br>Section two, to "this Act." |
| 6 & 7 Will. 4. c. 66. | An Act to prevent the advertising of Foreign and other illegal Lotteries.<br>In part; namely,—<br>Preamble.<br>Section one, to "this Act." |
| 6 & 7 Will. 4. c. 69. | An Act, the title of which begins with the words "An Act to fix" and ends with the words "marking thereof."<br>In part; namely,—<br>Preamble.<br>Section one, to "thirty-six" where those words first occur.<br>Section nine, from "lord high" to "Majesty's," and the words "or any three or more of them."<br>Section twenty-two, the words "his heirs and successors." |
| 6 & 7 Will. 4. c. 71. | An Act for the Commutation of Tithes in England and Wales.<br>In part; namely,—<br>Preamble. |
| 6 & 7 Will. 4. c. 74. | An Act the title of which begins with the words "An Act to abolish" and ends with the words "Duties thereof."<br>In part; namely,—<br>Section eleven, to "enacted that," and the word "that" wherever it occurs before "upon the" "upon a" and "on all." |
| 6 & 7 Will. 4. c. 85. | An Act for Marriages in England.<br>In part; namely,—<br>Preamble and section one, to "thirty-seven."<br>The words "after the said first day of March" wherever they occur in sections four, ten, eleven, fourteen, thirty-nine, and forty-two.<br>Section twenty-six, to "enacted that."<br>Section thirty-four, from "within fifteen" to "March, and also," and the word "succeeding." |
| 6 & 7 Will. 4. c. 89. | An Act to provide for the Attendance and Remuneration of Medical Witnesses at Coroners' Inquests.<br>In part; namely,—<br>Preamble.<br>Section one, to "this Act." |

| Reign and Chapter. | Title. |
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| 6 & 7 Will. 4. c. 96. | An Act to regulate Parochial Assessments.<br>In part; namely,—<br>Preamble.<br>Section one, to "office direct."<br>Section two, the words "after the said period." |
| 6 & 7 Will. 4. c. 97. | An Act for continuing and making perpetual the Duty on certain Offices and Pensions.<br>In part; namely,—<br>Preamble.<br>Section one, to "of the same that" and the words "his heirs and successors."<br>Section three, the words "the lords commissioners of" "the said lords commissioners of" "or any three or more of them" and "under their hands." |
| 6 & 7 Will. 4. c. 107. | An Act the title of which begins with the words "An Act to extend" and ends with the words "and Wales."<br>In part; namely,—<br>Section two to "enacted that." |
| 6 & 7 Will. 4. c. 108. | An Act the title of which begins with the words "An Act to amend" and ends with the words "in Ireland."<br>In part; namely,—<br>Section twenty-one. |
| 6 & 7 Will. 4. c. 111. | An Act the title of which begins with the words "An Act to prevent" and ends with the words "is given."<br>In part; namely,—<br>To "this Act." |
| 6 & 7 Will. 4. c. 114 | An Act for enabling Persons indicted of Felony to make their Defence by Counsel or Attorney.<br>In part; namely,—<br>Preamble.<br>Section one, to "October next." |
| 6 & 7 Will. 4. c. 116. | An Act the title of which begins with the words "An Act to consolidate" and ends with the words "in Ireland."<br>In part; namely,—<br>Section sixty-one to "enacted that" and the word "that" before "upon the."<br>Section seventy-eight to "enacted that."<br>Section eighty-seven the words "at any time after the passing of this Act" occurring twice.<br>Section one hundred and thirty-five to "Act" where it first occurs.<br>Section one hundred and sixty-seven to "this Act." |
| 7 Will. 4. & 1 Vict. c. 2. | An Act the title of which begins with the words "An Act to amend" and ends with the words "in Ireland."<br>In part; namely,—<br>Preamble.<br>Section nine, the words "after the passing of this Act." |
| 7 Will. 4 & 1 Vict. c. 14. | An Act to explain and amend two Acts relating to Trial by Jury in Scotland.<br>In part; namely,—<br>To "that henceforth," and the word "that" before "in all cases." |

| Reign and Chapter. | Title. |
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| 7 Will.4.& 1 Vict. c. 17. | An Act the title of which begins with the words "An Act . . . for cancelling" and ends with the words "Land Tax."<br>In part; namely,—<br>Section four, the words "said commissioners of his Majesty's."<br>Section five, to "enacted, that." |
| 7 Will.4.& 1 Vict. c. 21. | An Act to amend the Acts for the Extension and Promotion of Public Works in Ireland.<br>In part; namely,—<br>Preamble.<br>Section four, the following words occurring twice "or other chief governor or governors" "or they" and "the said commissioners of" and the following words "or their" "commissioners of his Majesty's" "under their hands or under the hands of any three or more of them" and "or any three or more of them."<br>Section five, the words "the said commissioners of."<br>Section six, the words "the said commissioners of."<br>Section eight, the words "the said commissioners of" wherever they occur. |
| 7 Will.4.& 1 Vict. c. 22. | An Act the title of which begins with the words "An Act to explain" and ends with the words "in England."<br>In part; namely,—<br>Preamble.<br>Section one, to "same, that."<br>Section ten, the words "commissioners of Her Majesty's" and "or any three of them."<br>Section fifteen, the words "the commissioners of."<br>Section twenty, the words "or any three of them," occurring twice.<br>Section twenty-eight, the words "the commissioners of."<br>Section thirty, to "enacted, that."<br>Section thirty-five, to "enacted, that."<br>Section thirty-six, to "enacted, that." |
| 7 Will.4.& 1 Vict. c. 24. | An Act the title of which begins with the words "An Act to explain" and ends with the words "and Wales."<br>In part; namely,—<br>Preamble.<br>Section one, to "of the same, that" |
| 7 Will.4.& 1 Vict. c. 25. | An Act to make more effectual Provisions relating to the Police in the district of Dublin Metropolis.<br>In part; namely,—<br>Preamble.<br>Section one, to "same, that," and the word "that" before "all parts."<br>Section two, from "or other" to "time being."<br>Section twenty-four, to "Act" where it first occurs. |
| 7 Will.4.& 1 Vict. c. 30. | An Act the title of which begins with the words "An Act to abolish" and ends with the words "those Courts."<br>In part; namely,—<br>Section fifteen, the word "attorney" where it first occurs, and the words "attorney or" where they secondly occur.<br>Section nineteen, the words "her heirs or successors."<br>Section twenty-eight, to "enacted, that." |

| Reign and Chapter. | Title. |
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| 7 Will.4. & 1 Vict. c. 31. | An Act for continuing Military Commissions and Commissions in the Royal Marines in force, notwithstanding the Demise of the Crown.<br>In part; namely,—<br>To "and that," the word "future," and the words "her heirs and successors." |
| 7 Will.4. & 1 Vict. c. 32. | An Act to repeal the several Laws relating to the Post Office.<br>In part; namely,—<br>Preamble.<br>Section four. |
| 7 Will.4. & 1 Vict. c. 33. | An Act for the Management of the Post Office.<br>In part; namely,—<br>Preamble.<br>Section one.<br>Section eight, to "enacted, that."<br>Section eleven, to "Act; and" where those words first occur.<br>Section twelve, to "enacted, that."<br>Section fifteen, to "enacted, that."<br>Section seventeen, the words "the lords of."<br>Section eighteen, to "enacted, that."<br>Section nineteen, to "enacted, that."<br>Section twenty, the words "the lords of" where they first occur, and the words "or any three of them."<br>Schedule, the words "or other chief governor or governors of Ireland." |
| 7 Will.4. & 1 Vict. c. 36. | The Post Office (Offences) Act, 1837.<br>In part; namely,—<br>Preamble.<br>Section one.<br>Section two, to "enacted, that," and the words "be it declared that."<br>Section four, to "enacted, that."<br>Section six, to "enacted, that."<br>Section seven, to "enacted, that."<br>Section eight, to "enacted that," and the word "that" before "every driver."<br>Section twelve, the words "of debt" and "by bill or plaint or," and from "wherein no" to "allowed."<br>Section thirty, to "enacted, that."<br>Section thirty-one, to "enacted, that."<br>Section thirty-four, to "enacted that."<br>Section thirty-seven, to "enacted, that."<br>Section thirty-eight.<br>Section forty-six, to "enacted, that."<br>Section forty-seven, so far as respects the interpretation of the terms and expressions "Her Majesty," "lord lieutenant of Ireland," "lords of the Treasury" and "Postmaster-General." |
| 7 Will.4. & 1 Vict. c. 45. | An Act the title of which begins with the words "An Act to alter" and ends with the words "various Matters."<br>In part; namely,—<br>Preamble.<br>Section one, to "same, that." |

| Reign and Chapter. | Title. |
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| 7 Will.4.& 1 Vict. c. 47. | An Act the title of which begins with the words "An Act to repeal" and ends with the words "in India."<br>In part; namely,—<br>Preamble.<br>Section one, to "same, that." |
| 7 Will.4.& 1 Vict. c. 53. | An Act the title of which begins with the words "An Act to explain" and ends with the words "and Cambridge."<br>In part; namely,—<br>Preamble.<br>Section one, to "same that," the word "that" wherever it occurs, and the word "said" where it first occurs before "county."<br>Section five, the words "from and after the passing of this Act."<br>Section six, the words "from and after the passing of this Act."<br>Section eight, to "liberty of Ripon," where those words thirdly occur, the words "from and after the passing of this Act," the word "therefore," the word "said," wherever it occurs, and from "be absolutely" to "thereof, and." |
| 7 Will.4.& 1 Vict. c. 54. | An Act the title of which begins with the words "An Act to provide" and ends with the words "the same."<br>In part; namely,—<br>Preamble.<br>Section one, to "of the same that;" and the words "from and after the commencement of this Act" and "or other chief governor or governors in Ireland" and from "from and after" where those words last occur to "thirty-seven."<br>Section twelve, the words "after the passing of this Act."<br>Section seventeen, to "enacted that." |
| 7 Will.4.& 1 Vict. c. 60. | An Act for correcting mistaken References to His late Majesty in Acts of this Session of Parliament.<br>In part; namely,—<br>To "of the same, that," and the word "that" before "no such." |
| 7 Will.4.& 1 Vict. c. 72. | An Act the title of which begins with the words "An Act to provide" and ends with the words "Her Majesty."<br>In part; namely,—<br>Section two, the words "be it enacted that."<br>Section five, the words "her heirs or successors."<br>Section seven, the words "and declaration" and "and subscribed." |
| 7 Will.4.& 1 Vict. c. 73. | An Act for better enabling Her Majesty to confer certain Powers and Immunities on trading and other Companies.<br>In part; namely,—<br>Preamble.<br>Section two, the words "her heirs and successors" occurring twice.<br>Section three, the words "her heirs or successors."<br>Section fourteen, from "to repeal" to "affidavits, and" and the word "other."<br>Section twenty-nine, the words "her heirs and successors."<br>Section thirty, the words "her heirs and successors." |

| Reign and Chapter. | Title. |
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| 7 Will.4.& 1 Vict. c. 77. | An Act the title of which begins with the words "An Act to assimilate," and ends with the words "of Death."<br>In part; namely,—<br>Preamble.<br>Section one, to "passing of this Act" and the words "her heirs and successors," and the word "said." |
| 7 Will.4.& 1 Vict. c. 82. | An Act the title of which begins with the words "An Act to amend" and ends with the words "said County."<br>In part; namely,—<br>Preamble.<br>Section one, to "same, that." |
| 7 Will.4.& 1 Vict. c. 84. | An Act to abolish the Punishment of Death in Cases of Forgery.<br>In part; namely,—<br>Preamble, the words "his heirs and "successors."<br>Section one, the words "after the commencement of this Act."<br>Section four. |
| 7 Will.4.& 1 Vict. c. 88. | An Act to amend certain Acts relating to the Crime of Piracy.<br>In part; namely,—<br>Preamble.<br>Section six. |
| 7 Will.4.& 1 Vict. c. 90. | An Act to amend the Law relative to Offences punishable by Transportation for Life.<br>In part; namely,—<br>Section five to "this Act." |
| 7 Will.4.& 1 Vict. c. 91. | An Act for abolishing the Punishment of Death in certain Cases.<br>In part; namely,—<br>Section one, the words, "after the commencement of this Act."<br>Section three. |
| 1 & 2 Vict. c. 2. | An Act the title of which begins with the words "An Act for the" and ends with the words "and Ireland."<br>In part; namely,—<br>Preamble, so far as relates to the following Acts:—1 Geo. 3. c. 1., 25 Geo. 3. c. 61., 27 Geo. 3. c. 13., 59 Geo. 3. c. 22., 1 Geo. 4. c. 1., 1 & 2 Geo. 4. c. 31., and 1 Will. 4. c. 25.<br>Section three, from "said lord" to "Majesty's," and from "or any" to "time being."<br>Section five, from "lord high" to next following "Majesty's," the words "for the time being," from "the first year of" to "second and" and the word "succeeding."<br>Section eight, to "therefore enacted, that," from "the lord" to "commissioners of," and from "for the time" to "of them," and the words "under their hands."<br>Section nine, from "the lord" to "commissioners of," and from "for the time" to "of them."<br>Section eleven, to "declared, that." |
| 1 & 2 Vict. c. 4. | An Act to remove Doubts as to summoning Juries at Adjourned Quarter Sessions of the Peace.<br>In part; namely,—<br>To "of the same, that." |

| Reign and Chapter. | Title. |
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| 1 & 2 Vict. c. 20. | An Act for the Consolidation of the Offices of First Fruits, Tenths, and Queen Anne's Bounty.<br>In part; namely,—<br>Preamble.<br>Section nineteen, the words "and her successors" and the words "or their" where they next occur.<br>Section twenty, to "enacted that." |
| 1 & 2 Vict. c. 23. | An Act to amend the Law for providing fit Houses for the beneficed Clergy.<br>In part; namely,—<br>Preamble.<br>Section one, to "of this Act," and the word "that" before "from and after." |
| 1 & 2 Vict. c. 25. | An Act the title of which begins with the words "An Act to explain" and ends with the words "and Wales."<br>In part; namely,—<br>Preamble.<br>Section one, to "same, that."<br>Section two, to "enacted that." |
| 1 & 2 Vict. c. 27. | An Act to make more effectual Provision for the Prevention of Offences by insane Persons in Ireland.<br>In part; namely,—<br>Preamble.<br>Section one, to "same, that," and the words "or other chief governor or governors of Ireland."<br>Section two, the words "or other chief governor or governors" (thrice occurring), "or they," "or their" (twice occurring), and "or hands."<br>Section three, the words "or other "chief governor or governors" (twice occurring), "or they," "or their," and "or hands." |
| 1 & 2 Vict. c. 28. | An Act, the title of which begins with the words "An Act to repeal" and ends with the words "called Ireland."<br>In part; namely,—<br>Preamble.<br>Section fourteen, the words "of debt, bill, plaint," and from "wherein" to the end of the section. |
| 1 & 2 Vict. c. 29. | An Act the title of which begins with the words "An Act to supply" and ends with the words "beneficed Clergy."<br>In part; namely,—<br>To "same, that." |
| 1 & 2 Vict. c. 30. | An Act for continuing the Bishoprick of Sodor and Man.<br>In part; namely,—<br>Preamble.<br>Section one to "of this Act," and from "but the said Acts" to the end of the section. |
| 1 & 2 Vict. c. 37. | An Act to empower the Foreman or any other Member of Grand Juries in Ireland to administer Oaths to Witnesses on Bills of Indictment.<br>In part; namely,—<br>Preamble.<br>Section one, to "same, that." |
| 1 & 2 Vict. c. 38. | An Act to amend an Act for punishing idle and disorderly Persons and Rogues and Vagabonds.<br>In part; namely,—<br>Preamble.<br>Section one, to "same, that."<br>Section two, to "and enacted, that." |

| Reign and Chapter. | Title. |
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| 1 & 2 Vict. c. 51. | An Act to amend the Laws relating to the Levy of Grand Jury Cess in the County of the City of Dublin.<br>In part; namely,—<br>Preamble.<br>Section seven, the words "from and after the commencement of this Act" where they first occur.<br>Section nine, to "enacted, that," from "or of an Act" to "prisons in Ireland," and the word "first-recited." |
| 1 & 2 Vict. c. 53. | An Act the title of which begins with the words "An Act to amend" and ends with the words "the same."<br>In part; namely,—<br>Preamble.<br>Section one, to "same that."<br>Section three. |
| 1 & 2 Vict. c. 56. | An Act for the more effectual Relief of the destitute Poor in Ireland.<br>In part; namely,—<br>Preamble.<br>Section three, to "passing of this Act."<br>Section sixteen, the words "the lords of."<br>Section sixty-seven, the words "from and after the passing of this Act."<br>Section eighty-nine, the words "commissioners of her Majesty's." |
| 1 & 2 Vict. c. 58. | An Act the title of which begins with the words "An Act to vest" and ends with the words "Land Tax."<br>In part; namely,—<br>Title, the words "the Commissioners of."<br>Preamble.<br>Section one, to "passing of this Act," the words "commissioners of Her Majesty's," from "of the United" to "time being," the words "the said commissioners of," and "or any three or more of them."<br>Section two, to "passing of this Act." |
| 1 & 2 Vict. c. 61. | An Act the title of which begins with the words "An Act to amend" and ends with the words "and Taxes."<br>In part; namely,—<br>Preamble.<br>Section one, to "same, that," the words "of the governor and company," and the word "that" before "the dividends."<br>Section two, the words "the governor and company of."<br>Section three, to "enacted that," from "lord" to "Majesty's," from "of the United" to "of them," the words "under their hands," and the words "the governor and company of" occurring twice. |
| 1 & 2 Vict. c. 62. | An Act the title of which begins with the words "An Act to enable" and ends with the words upon Lives."<br>In part; namely,—<br>Preamble.<br>Section one, to "same, that." |
| 1 & 2 Vict. c. 64. | An Act to facilitate the Merger of Tithes in Land.<br>In part; namely,—<br>Preamble.<br>Section one, to "of this Act."<br>Section four, to "enacted, that." |

| Reign and Chapter. | Title. |
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| 1 & 2 Vict. c. 67. | An Act for the better Government of Prisons in the West Indies.<br>In part; namely,—<br>Preamble.<br>Section one, to "same, that." |
| 1 & 2 Vict. c. 74. | An Act to facilitate the Recovery of Possession of Tenements after due Determination of the Tenancy.<br>In part; namely,—<br>Preamble.<br>Section one, to "passing of this Act." |
| 1 & 2 Vict. c. 75. | An Act the title of which begins with the words "An Act to amend" and ends with the words "and Turpentine."<br>In part; namely,—<br>Preamble.<br>Section one, to "same, that." |
| 1 & 2 Vict. c. 77. | An Act for permitting Affirmation to be made instead of an Oath in certain Cases.<br>In part; namely,—<br>Preamble.<br>Section one, to "same, that." |
| 1 & 2 Vict. c. 80. | An Act for the Payment of Constables for Keeping the Peace near Public Works.<br>In part; namely,—<br>Preamble.<br>Section one, to "of this Act." |
| 1 & 2 Vict. c. 82. | An Act for establishing a Prison for young Offenders.<br>In part; namely,—<br>Preamble.<br>Section one, to "same, that" and from "and shall be within" to the end of the section. |
| 1 & 2 Vict. c. 86. | An Act to diminish Delay and Expence in Advocations and Suspensions in the Court of Session in Scotland.<br>In part; namely,—<br>Preamble. |
| 1 & 2 Vict. c. 89. | An Act respecting the Transfer of certain Funds to the Secretary at War and the Paymaster-General.<br>In part; namely,—<br>Preamble.<br>Section one, to "same, that," the words "the said governor and company of" and "the governor and company of."<br>Section two, to "be it enacted, that," the words "the governor and company of."<br>Section three, to "this Act."<br>Section four, to "enacted, that." |
| 1 & 2 Vict. c. 94. | The Public Record Office Act, 1838.<br>In part; namely,—<br>Preamble.<br>Section one, to "same, that" and the words "from the passing of this Act."<br>The words "her heirs and successors" in sections one and sixteen.<br>Section three, to "passing of this Act," from "lord high" to "Majesty's." |

| Reign and Chapter. | Title. |
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| 1 & 2 Vict. c. 94. —*cont.* | Section six, from "lord high" where first occurring, to next following "Majesty's," from "of the United" to "Ireland," and the words "the lord high treasurer or the commissioners of."<br>Section seven, from "lord" to "Majesty's."<br>Section sixteen, from "lord" to "Majesty's." |
| 1 & 2 Vict. c. 95. | An Act to provide for the Payment of certain Pensions.<br>In part; namely,—<br>Preamble.<br>Section one, to "same, that," and from "and that" to the end of the section.<br>Section two, the words "commissioners of her Majesty's" and "under the hands of any three or more of them."<br>Section four, the words "her heirs or successors." |
| 1 & 2 Vict. c. 96. | An Act the title of which begins with the words "An Act to amend" and ends with the words "the Companies."<br>In part; namely,—<br>Preamble.<br>Section one, to "same, that" and the word "that" wherever it occurs. |
| 1 & 2 Vict. c. 98. | An Act to provide for the Conveyance of the Mails by Railways.<br>In part; namely,—<br>Preamble.<br>Section one, to "same that."<br>Section thirteen, the words "her heirs and successors" occurring twice. |
| 1 & 2 Vict. c. 105. | An Act to remove Doubts as to the Validity of certain Oaths.<br>In part; namely,—<br>To "same, that." |
| 1 & 2 Vict. c. 106. | The Pluralities Act, 1838.<br>In part; namely,—<br>Preamble.<br>Section two, to "this Act."<br>Section twenty-one, to "enacted that."<br>Section twenty-five, to "enacted, that," and the word "that" before "the proceeds."<br>Section twenty-six, to "enacted, that."<br>Section twenty-seven, to "enacted that."<br>Section fifty-six, to "enacted, that." |
| 1 & 2 Vict. c. 107. | The Church Building Act, 1838.<br>In part; namely,—<br>Preamble.<br>Section eight to "enacted that."<br>Section twelve, to "therefore enacted that."<br>Section fourteen, to "further enacted that."<br>Section sixteen, to "enacted that," and the word "said" before "parish church." |
| 1 & 2 Vict. c. 109. | An Act to abolish Compositions for Tithes in Ireland, and to substitute Rentcharges in lieu thereof.<br>In part; namely,—<br>Preamble.<br>Section one, to "same, that."<br>Section twelve, to "therefore enacted that" and the word "that" before "the party." |

| Reign and Chapter. | Title. |
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| 1 & 2 Vict. c. 109. —*cont.* | Section sixteen, to "enacted that" and the word "such" where it next occurs.<br>Section twenty-six, to "enacted that" and the word "that" before "if it."<br>Section thirty-two, to "enacted, that."<br>Section forty-nine, to "declared that," the words "her heirs and successors," and the word "that."<br>Section fifty-two, the words "her heirs or successors."<br>Section fifty-four, from "the words 'lord lieutenant'" to "governors of Ireland." |
| 1 & 2 Vict. c. 110. | An Act the title of which begins with the words "An Act for abolishing," and ends with the words "of Debtors."<br>In part; namely,—<br>Section eleven, to "enacted that," from "at the time" to "recovered or" and the word "thereafter."<br>The words "the governor and company of" in sections twelve and fifteen.<br>Section fifteen, to "enacted, that," and the word "that" before "if after" before "no disposition," and before "unless." |
| 1 & 2 Vict. c. 114. | An Act to amend the Law of Scotland in Matters relating to Personal Diligence, Arrestments, and Poindings.<br>In part; namely,—<br>Preamble.<br>Section one, to "thirty-eight." |
| 1 & 2 Vict. c. 115. | An Act the title of which begins with the words "An Act to amend," and ends with the words "locally situate."<br>In part; namely,—<br>Preamble.<br>Section one, to "same, that" and the word "that" before "it shall." |
| 1 & 2 Vict. c. 118. | An Act the title of which begins with the words "An Act to make" and ends with the words "those Courts."<br>In part; namely,—<br>Preamble.<br>Section one, to "same, that," and the word "that" before "it shall accordingly."<br>Section seven, to "enacted, that," and the word "said" where it next occurs.<br>Section twelve, to "passing of this Act."<br>Section seventeen, from "for the purpose" to "of the public revenue," and from "of the United" to "time being."<br>The words "her heirs and successors" wherever they occur in sections eighteen, twenty-one, twenty-three and twenty-six.<br>Section twenty-one from "Provided always" to the end of the section.<br>Section twenty-six, the words "from and after the passing of this Act."<br>Section thirty-three, the words "from and after the passing of this Act." |
| 1 & 2 Vict. c. 119. | An Act to regulate the Constitution, Jurisdiction, and Forms of Process of Sheriff Courts in Scotland.<br>In part; namely,—<br>Preamble. |

| Reign and Chapter. | Title. |
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| 1 & 2 Vict. c. 119. —*cont.* | Section six, the words "and her heirs and successors."<br>Section eight, to "enacted that."<br>Section twenty-one, to "declared that."<br>Section twenty-four, to "enacted that."<br>Section twenty-seven, to "enacted that."<br>Section twenty-eight, to "enacted that" the words "or any three of them" wherever they occur, and the words "said commissioners of her Majesty's."<br>Schedule (C.) the words "lord high treasurer or commissioners of her Majesty's" and from "or any" to the end. |
| 1 & 2 Vict. c. 120. | An Act the title of which begins with the words "An Act for the Abolition" and ends with the words "on Tin."<br>In part; namely,—<br>Preamble. |
| 2 & 3 Vict. c. 1. | An Act the title of which begins with the words "An Act to amend" and ends with the words "in Ireland."<br>In part; namely,—<br>Preamble.<br>Section one, to "provisions and" and the word "other."<br>Section six, to "enacted that." |
| 2 & 3 Vict. c. 3. | An Act the title of which begins with the words "An Act to authorize" and ends with the words "other Purposes."<br>In part; namely,—<br>Preamble. |
| 2 & 3 Vict. c. 11. | An Act for the better Protection of Purchasers against Judgments, Crown Debts, Lis Pendens, and Fiats in Bankruptcy.<br>In part; namely,—<br>Preamble.<br>Section eight, the words "her heirs or successors" wherever they occur.<br>Section ten, to "enacted that" the words "commissioners of her Majesty's" from "of the United" to "under their hands," and the words "her heirs or successors."<br>Section eleven, the words "her heirs or successors." |
| 2 & 3 Vict. c. 30. | An Act the title of which begins with the words "An Act for apportioning" and ends with the words "the Parish."<br>In part; namely,—<br>To "passing of this Act" and the word "such" where it next occurs. |
| 2 & 3 Vict. c. 36. | An Act the title of which begins with the words "An Act to regulate" and ends with the words "said Judges."<br>In part; namely,—<br>Section three, to "offices" where that word first occurs and the words "her heirs and successors."<br>Section eleven, to "enacted that" and the words "her heirs and successors."<br>Section thirteen, to "Act" where it first occurs. |
| 2 & 3 Vict. c. 45. | An Act the title of which begins with the words "An Act to amend" and ends with the words "to Highways."<br>In part; namely,—<br>Preamble.<br>Section one, to "same that." |

| Reign and Chapter. | Title. |
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| 2 & 3 Vict. c. 47. | An Act for further improving the Police in and near the Metropolis.<br>In part; namely,—<br>Preamble.<br>Section one.<br>Section two, to "enacted, that."<br>Section six, from "lord high" to "Majesty's" and the words "under their hands and seals."<br>Section forty-four, to "enacted that." |
| 2 & 3 Vict. c. 49. | An Act the title of which begins with the words "An Act to make" and ends with the words "other purposes."<br>In part; namely,—<br>Preamble.<br>Section one, to "same . . . that."<br>Section six, to "therefore enacted that."<br>Section fourteen, to "therefore enacted that" and the word "said" before "purchase."<br>Section fifteen, to "enacted that."<br>Section seventeen, to "enacted that." |
| 2 & 3 Vict. c. 50. | An Act the title of which begins with the words "An Act to extend" and ends with the words "Parochial Assessments."<br>In part; namely,—<br>Preamble.<br>Section three, to "declared that."<br>Section four, to "enacted that," the word "said" where it next occurs, the words "or other chief governor or governors" occurring twice, the words "or they," and the word "that" wherever it occurs.<br>Section eight, the words "commissioners of Her Majesty's," "or any three or more of them," "or other chief governor or governors of Ireland" and "the said commissioners of," where they last occur.<br>Section nine, the words "the said commissioners of."<br>Section eleven, the words "or other chief governor or governors of Ireland."<br>Section twelve, to "therefore enacted that" and the word "that" before "it shall."<br>Section thirteen, to "enacted that," the words "commissioners of Her Majesty's" wherever they occur, and the words "for the time being."<br>Section sixteen, to "therefore enacted that."<br>Section seventeen, to "enacted that."<br>Section eighteen, the words "or other chief governor or governors of Ireland" and the words "commissioners of Her Majesty's" and "or any three or more of them" respectively occurring twice.<br>Section twenty-two, to "enacted that," and the words "or other chief governor or governors of Ireland" and "commissioners of Her Majesty's."<br>Section twenty-three, the words "her heirs and successors" occurring twice. |
| 2 & 3 Vict. c. 51. | An Act the title of which begins with the words "An Act to regulate" and ends with the words "and Ordnance."<br>In part; namely,—<br>Preamble. |

| Reign and Chapter. | Title. |
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| 2 & 3 Vict. c. 56. | An Act for the better ordering of Prisons.<br>In part; namely,—<br>Preamble. |
| 2 & 3 Vict. c. 58. | An Act the title of which begins with the words "An Act to "make" and ends with the words "of Cornwall."<br>In part; namely,—<br>Preamble, to "in certain cases," and from "by the Queen's" to of the same."<br>Section one, from "from and after" where those words first occur to "thirty-nine" where it next occurs, and from "from and after" where those words last occur to "thirty-nine."<br>Section two, to "enacted that." |
| 2 & 3 Vict. c. 60. | An Act the title of which begins with the words "An Act to explain" and ends with the words "Real Estate."<br>In part; namely,—<br>Preamble.<br>Section one, to "same that." |
| 2 & 3 Vict. c. 62. | An Act to explain and amend the Acts for the Commutation of Tithes in England and Wales.<br>In part; namely,—<br>Preamble.<br>Section one, to "same that." |
| 2 & 3 Vict. c. 69. | An Act to authorise the Purchase or building of Lodgings for the Judges of Assize on their Circuits.<br>In part; namely,—<br>Preamble.<br>Section one, to "same, that."<br>Section two. |
| 2 & 3 Vict. c. 71. | An Act for regulating the Police Courts in the Metropolis.<br>In part; namely,—<br>Preamble.<br>Section one, to "same, that," and the word "that" before "the several."<br>Section twenty-eight, to "enacted that."<br>Section thirty-two, to "enacted, that."<br>Section thirty-four, to "enacted that."<br>Section thirty-five, to "enacted that." |
| 2 & 3 Vict. c. 72. | An Act the title of which begins with the words "An Act for enabling" and ends with the words "and conversely."<br>In part; namely,—<br>Preamble.<br>Section one, to "same that." |
| 2 & 3 Vict. c. 75. | An Act for the better Regulation of the Constabulary Force in Ireland.<br>In part; namely,—<br>Preamble.<br>Section one, to "same, that," the words "or other chief governor or governors of Ireland," and the words "or other chief governor or governors" where they last occur.<br>Section two, the words "or other chief governor or governors" wherever they occur, and the words "or they." |

| Reign and Chapter. | Title. |
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| 2 & 3 Vict. c. 75. —*cont* | Section five, the words "or other chief governor or governors."<br>Section six, the words "or other chief governor or governors."<br>Section seven, the words "commissioners of Her Majesty's" and "or any three or more of them."<br>Section eight, the words "or other chief governor or governors" and "or they."<br>Section fifteen, to "enacted, that" and the word "that" before "they shall."<br>Section sixteen, the words "or other chief governor or governors" occurring twice.<br>Section seventeen, the words "or other chief governor or governors of Ireland."<br>Section twenty-three, the words "or other chief governor or governors" and "or their."<br>Section twenty-four, the words "or other chief governor or governors." |
| 2 & 3 Vict. c. 78. | An Act to make further Provisions relating to the Police in the District of Dublin Metropolis.<br>In part; namely,—<br>Preamble.<br>Section fourteen, to "therefore enacted that," the word "said" before "lord," and the words "or other chief governor or governors." |
| 2 & 3 Vict. c. 82. | An Act for the better Administration of Justice in detached Parts of Counties.<br>In part; namely,—<br>Preamble.<br>Section one, to "of this Act," and the word "that" before "all acts." |
| 2 & 3 Vict. c. 84. | An Act to amend the Laws relating to the Assessment and Collection of Rates for the Relief of the Poor.<br>In part; namely,—<br>Preamble.<br>Section one, to "same, that." |
| 2 & 3 Vict. c. 93. | An Act for the Establishment of County and District Constables by the Authority of Justices of the Peace.<br>In part; namely,—<br>Preamble. |
| 3 & 4 Vict. c. 9. | An Act to give summary Protection to Persons employed in the Publication of Parliamentary Papers.<br>In part; namely,—<br>Preamble.<br>Section one to "same, that." |
| 3 & 4 Vict. c. 15. | An Act further to explain and amend the Acts for the Commutation of Tithes in England and Wales.<br>In part; namely,—<br>Preamble.<br>Section twenty-eight to "enacted, that." |
| 3 & 4 Vict. c. 17. | An Act for granting to Her Majesty Duties of Customs, Excise, and Assessed Taxes.<br>In part; namely,—<br>Preamble.<br>Section one, to "and forty." |

| Reign and Chapter. | Title. |
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| 3 & 4 Vict. c. 18. | An Act to discontinue the Excise Survey on Tobacco and to provide other Regulations in lieu thereof.<br>In part; namely,—<br>Preamble.<br>Section nine, to "enacted that." |
| 3 & 4 Vict. c. 20. | An Act the title of which begins with the words "An Act to amend" and ends with the words "other Purposes."<br>In part; namely,—<br>Preamble.<br>Section three, to "enacted, that."<br>Section five, to "further enacted, that." |
| 3 & 4 Vict. c. 31. | An Act the title of which begins with the words "An Act to extend" and ends with the words "and Wales."<br>In part; namely,—<br>Preamble.<br>Section one, to "same, that."<br>Section two, to "enacted, that."<br>Section four, to "fields; And." |
| 3 & 4 Vict. c. 35. | An Act to reunite the Provinces of Upper and Lower Canada, and for the Government of Canada.<br>In part; namely,—<br>Preamble<br>Section sixty, to "enacted, that." |
| 3 & 4 Vict. c. 44. | An Act to amend an Act of the Seventh Year of King George the Fourth, for consolidating and amending the Laws relating to Prisons in Ireland.<br>In part; namely,—<br>Preamble.<br>Section four, the words "or other chief governor or governors" wherever they occur. |
| 3 & 4 Vict. c. 48. | An Act, the title of which begins with the words "An Act to enable" and ends with the words "Masters thereof."<br>In part; namely,—<br>Preamble.<br>Section one, to "passing of this Act." |
| 3 & 4 Vict. c. 50. | An Act to provide for keeping the Peace on Canals and Navigable Rivers.<br>In part; namely,—<br>Preamble.<br>Section one, to "same, that."<br>Section eighteen, to "enacted, that." |
| 3 & 4 Vict. c. 59. | An Act for the amendment of the Law of Evidence in Scotland.<br>In part; namely,—<br>Preamble.<br>Section one, to "passing of this Act."<br>Section three, the words "or stewart." |
| 3 & 4 Vict. c. 60. | The Church Building Act, 1840.<br>In part; namely,—<br>Preamble.<br>Section one, to "same, that."<br>Section five, to "enacted, that."<br>Section six, to "enacted, that." |

| Reign and Chapter. | Title. |
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| 3 & 4 Vict. c. 61. | An Act to amend the Acts relating to the general Sale of Beer and Cider by Retail in England.<br>In part; namely,—<br>Preamble.<br>Section one, to "same, that."<br>Section four to "enacted, that." |
| 3 & 4 Vict. c. 62. | An Act, the title of which begins with the words "An Act . . . . to extend" and ends with the words "relating thereto."<br>In part; namely,—<br>Preamble.<br>Section two, to "enacted, that" and the word "said."<br>Repealed as to all Her Majesty's dominions. |
| 3 & 4 Vict. c. 65. | An Act to improve the Practice and extend the Jurisdiction of the High Court of Admiralty of England.<br>In part; namely,—<br>Preamble.<br>Section one, to "same, that" and the word "that" before "all such."<br>Section twenty-two, the words "her heirs and successors" and "and their." |
| 3 & 4 Vict. c. 72. | An Act to provide for the Solemnization of Marriages in the Districts in or near to which the Parties reside.<br>In part; namely,—<br>Preamble.<br>Section one, to "same, that." |
| 3 & 4 Vict. c. 74. | An Act for the better Protection of the Oyster Fisheries in Scotland.<br>In part; namely,—<br>Preamble.<br>Section one, to "same, that." |
| 3 & 4 Vict. c. 77. | An Act for improving the Condition and extending the Benefits of Grammar Schools.<br>In part; namely,—<br>Preamble.<br>Section one, to "same, that," and the words "after the passing of this Act" and the word "that" before "such decrees."<br>Section thirteen, to "enacted that."<br>Section seventeen, to "enacted that."<br>Section nineteen, to "enacted that."<br>Section twenty-one, to "enacted, that." |
| 3 & 4 Vict. c. 78. | An Act to provide for the Sale of the Clergy Reserves in the Province of Canada, and for the Distribution of the Proceeds thereof.<br>In part; namely,—<br>Preamble.<br>Section one, to "this Act."<br>Section eight, from "lord high" to "Majesty's," and from "of the United" to "Ireland" |
| 3 & 4 Vict. c. 82. | An Act for further amending the Act for abolishing Arrest on Mesne Process in Civil Actions.<br>In part; namely,—<br>Preamble from "for abolishing" to "certain cases."<br>Section one, the words "the governor and company of." |

| Reign and Chapter. | Title. |
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| 3 & 4 Vict. c. 84. | An Act for better defining the Powers of Justices within the Metropolitan Police District.<br>In part; namely,—<br>Preamble.<br>Section three, to "enacted that." |
| 3 & 4 Vict. c. 85. | The Chimney Sweepers and Chimneys Regulation Act, 1840.<br>In part; namely,—<br>Section six, to "enacted that," the words "after the passing of this Act," and the word "that" before "every chimney."<br>Section seven, the words "or stewart" twice occurring and the words "or stewartry" and "or stewarts."<br>Section eight, the words "or stewarts" twice occurring.<br>Section eleven, the word "stewartry" and "or stewart." |
| 3 & 4 Vict. c. 86. | An Act for better enforcing Church Discipline.<br>In part; namely,—<br>Preamble. |
| 3 & 4 Vict. c. 88. | An Act to amend the Act for the Establishment of County and District Constables.<br>In part; namely,—<br>Preamble.<br>Section one, to "same, that."<br>Section two, to "enacted that."<br>Section twenty-six to "enacted, that."<br>Section twenty-seven, to "enacted that." |
| 3 & 4 Vict. c. 89. | An Act the title of which begins with the words "An Act to exempt" and ends with the words "the Poor."<br>In part; namely,—<br>Preamble.<br>Section one, to "of this Act." |
| 3 & 4 Vict. c. 90. | An Act for the Care and Education of Infants who may be convicted of Felony.<br>In part, namely,—<br>Preamble.<br>Section one, to "same, that." |
| 3 & 4 Vict. c. 91. | An Act the title of which begins with the words "An Act for the" and ends with the words "of their Wages . . ."<br>In part; namely,—<br>Preamble.<br>The words "general or" in sections two, five, six, eight, ten, twenty-four, twenty-seven, and thirty.<br>Section thirteen, to "enacted that."<br>Section fourteen, the words "from and after the passing of this Act."<br>Section nineteen, to "enacted, that."<br>Section twenty-four, to "enacted, that." |
| 3 & 4 Vict. c. 92. | An Act for enabling Courts of Justice to admit Non-parochial Registers as Evidence of Births or Baptisms, Deaths or Burials, and Marriages.<br>In part; namely,—<br>Preamble.<br>Section one, to "same that"<br>Section three, from "lord high" to "Majesty's."<br>Section seven, from "commissioners" to "Majesty's," and from "of the United" to "Ireland." |

| Reign and Chapter. | Title. |
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| 3 & 4 Vict. c. 93. | An Act to Amend the Act for the better Regulation of Ecclesiastical Courts in England.<br>In part; namely,—<br>Preamble.<br>Section one, to "this Act." |
| 3 & 4 Vict. c. 96. | The Post Office (Duties) Act, 1840.<br>In part; namely,—<br>Preamble.<br>Section one, to "same, that."<br>The words "commissioners of Her Majesty's" wherever they occur in sections eighteen, nineteen, twenty-six, twenty-nine, thirty, thirty-three, thirty-eight, forty-four, forty-five, fifty-nine, and sixty-one, and in section seventy, where they first and thirdly occur.<br>Section fourteen, to "enacted that."<br>The words "the lords of" in sections twenty-one and thirty-six.<br>The words "her heirs or successors" wherever they occur in sections twenty-two and twenty-three, and the word "or" in section twenty-three before the words so repealed.<br>Section twenty-four, to "enacted, that."<br>Section twenty-seven, the words "her heirs and successors."<br>Section thirty-three, the words "under their hands."<br>Section thirty-six, to "enacted that."<br>Section sixty-four, to "enacted that."<br>Section sixty-six, to "enacted that" and the word "that" before "whenever."<br>Section sixty-seven the words "and her successors." |
| 3 & 4 Vict. c. 97. | The Railway Regulation Act, 1840.<br>In part; namely,—<br>Preamble. |
| 3 & 4 Vict. c. 102. | An Act to amend the Law relating to Court Houses in Ireland.<br>In part; namely,—<br>Preamble.<br>The words "or other chief governor or governors of Ireland" wherever they occur.<br>Section one, to "same that," and the word "that" before "all matters."<br>Section two, the words "or them." |
| 3 & 4 Vict. c. 103. | An Act the title of which begins with the words "An Act to amend" and ends with the words "Dublin Metropolis."<br>In part; namely,—<br>Section two, to "enacted that," the word "said" where it first occurs before "police," and the words "from and after the passing of this Act." |
| 3 & 4 Vict. c. 105. | An Act the title of which begins with the words "An Act . . . . for extending" and ends with the words "in Ireland."<br>In part; namely,—<br>Preamble.<br>Section twelve, to "and forty."<br>Section twenty-four, to "enacted, that," and the word "that" before "if after," before "no disposition," and before "unless the." |

| Reign and Chapter. | Title. |
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| 3 & 4 Vict. c. 105. —*cont.* | Section thirty-one, to "enacted, that" and the word "that" before "an action."<br>Section forty-four, to "enacted, that."<br>Section forty-eight, to "enacted that."<br>Section sixty-three, to "enacted that" the words "now brought or" and the word "that" before "the court."<br>Section sixty-six, to "enacted that." |
| 3 & 4 Vict. c. 108. | An Act for the Regulation of Municipal Corporations in Ireland.<br>In part; namely,—<br>Preamble.<br>Section one, to "same, that."<br>Section six, to "Be it enacted, that" and the word "that" before "every person."<br>Section twelve, to "enacted, that."<br>Section twenty-five, the words "her heirs and successors."<br>Section one hundred and fourteen, to "repealed; and that."<br>Section one hundred and twenty-one, to "therefore enacted that."<br>Section one hundred and twenty-three, to "enacted that."<br>Section one hundred and thirty, to "enacted that" and the word "that."<br>Section one hundred and thirty-eight, to "therefore enacted that."<br>Section one hundred and fifty-four, the words "after the passing of this Act."<br>Section one hundred and sixty-five, to "passing of this Act."<br>Section one hundred and eighty-five, to "passing of this Act."<br>Section two hundred and four, to "enacted that"<br>Section two hundred and fifteen from "and the words" where first occurring to "of Ireland." |
| 3 & 4 Vict. c. 109. | An Act the title of which begins with the words "An Act to annex" and ends with the words "Borough Rate . . . ."<br>In part; namely,—<br>Preamble.<br>Section one, to "same, that" and from "from and after" to "mentioned." |
| 3 & 4 Vict. c. 110. | An Act to amend the Laws relating to Loan Societies.<br>In part; namely,—<br>Preamble.<br>Section twenty-nine, to "engraving; and." |
| 3 & 4 Vict. c. 111. | An Act the title of which begins with the words "An Act . . . to extend" and ends with the words "the Companies."<br>In part; namely,—<br>Preamble.<br>Section two, to "enacted, that." |
| 3 & 4 Vict. c. 113. | The Ecclesiastical Commissioners Act, 1840.<br>In part; namely,—<br>Preamble.<br>Section one, to "from henceforth."<br>Section thirty-two, to "enacted that." |

| Reign and Chapter. | Title. |
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| 4 & 5 Vict. c. 14. | An Act to make good certain Contracts which have been or may be entered into by certain Banking and other Co-partnerships.<br>In part; namely,—<br>Preamble, from "And whereas it is" to the end of the preamble. |
| 4 & 5 Vict. c. 20. | An Act to alter and amend certain Laws relating to the Collection and Management of the Duties of Excise.<br>In part; namely,—<br>Preamble.<br>Section five, to "enacted, that." |
| 4 & 5 Vict. c. 22. | An Act to remove Doubts as to the Liability of Lords and Peers of Parliament to Punishment in certain Cases of Felony.<br>In part; namely,—<br>Preamble.<br>Section one, to "effect; and that." |
| 4 & 5 Vict. c. 30. | An Act to authorise and facilitate the Completion of a Survey of Great Britain, Berwick-upon-Tweed, and the Isle of Man.<br>In part; namely,—<br>Preamble.<br>Section one, to "passing of this "Act."<br>Section three, the words "or steward" and "or stewartry." |
| 4 & 5 Vict. c. 35. | An Act the title of which begins with the words "An Act for the Commutation" and ends with the words "such Tenure."<br>In part; namely,—<br>Preamble.<br>Section fifty-six, the words "after the passing of this Act."<br>Section eighty-five, to "passing of this Act."<br>Section ninety-two, to "passing of this Act."<br>Section ninety-nine, the words "her heirs and successors" occurring twice. |
| 4 & 5 Vict. c. 38. | An Act to afford further Facilities for the Conveyance and Endowment of Sites for Schools.<br>In part; namely,—<br>Preamble.<br>Section three, the words "her heirs and successors."<br>Section fifteen, to "enacted, that."<br>Section eighteen, to "enacted, that." |
| 4 & 5 Vict. c. 39. | The Ecclesiastical Commissioners Act, 1841.<br>In part; namely,—<br>Preamble.<br>Section one, to "same that."<br>Section two, to "enacted, that," and the word "that" before "all the." |
| 4 & 5 Vict. c. 45. | An Act the title of which begins with the words "An Act to amend" and ends with the words "to Sewers."<br>In part; namely,—<br>Preamble, to "relating to sewers."<br>Section four, to "enacted that."<br>Section five, to "enacted that," and the word "that" before "every." |

| Reign and Chapter. | Title. |
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| 4 & 5 Vict. c. 49. | An Act to provide for repairing, improving, and rebuilding County Bridges. |
| 4 & 5 Vict. c. 51. | An Act the title of which begins with the words "An Act to "amend" and ends with the words "in England."<br>In part; namely,—<br>Preamble.<br>Section one, to "passing of this Act." |
| 4 & 5 Vict. c. 56. | An Act the title of which begins with the words "An Act "for taking" and ends with the words "lieu thereof."<br>In part; namely,—<br>Section one to "this Act." |
| 5 Vict. c. 1. - | An Act the title of which begins with the words "An Act to authorise" and ends with the words "Customary Tenure."<br>In part; namely,—<br>Section five, the words "her heirs or successors" wherever they occur, and the words "or any three of them."<br>Section six, the words "her heirs or successors" occurring twice.<br>Section seven, the words "her heirs or successors." |
| 5 Vict. c. 5. - | An Act to make further Provisions for the Administration of Justice.<br>In part; namely—<br>Section four, the words "the governor and company of," twice occurring.<br>Section five, from "on and after" to "forty-one."<br>Section thirty-eight, to "forty-one," and the word "that" before "subject" and before "on the death."<br>Section forty to "forty-one." |
| 5 Vict. c. 6. - | An Act the title of which begins with the words "An Act to amend" and ends with the word "Dominions."<br>In part; namely,—<br>Preamble.<br>Section one, to "same that." |
| 5 & 6 Vict. c. 7. - | An Act to explain the Acts for the better Regulation of certain Apprentices.<br>In part; namely,—<br>To "same that." |
| 5 & 6 Vict. c. 18. | The Parish Property and Parish Debts Act, 1842.<br>In part; namely,—<br>Section four, to "enacted that."<br>Section seven, to "enacted, that." |
| 5 & 6 Vict. c. 22. | An Act for consolidating the Queen's Bench, Fleet, and Marshalsea Prisons, and for regulating the Queen's Prison.<br>In part; namely,—<br>Section five, from "lord high" to "Majesty's." |
| 5 & 6 Vict. c. 24. | An Act for improving the Dublin Police.<br>In part; namely,—<br>Preamble.<br>Section one, to "same, that" and the word "that" before "all and." |

| Reign and Chapter. | Title. |
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| 5 & 6 Vict. c. 24. —*cont.* | The words "or other chief governor" or governors of Ireland," in sections forty-seven and seventy.<br>Section sixty to "enacted that."<br>Section sixty-three, to "enacted that." |
| 5 & 6 Vict. c. 26. | An Act to alter and amend the Law relating to Ecclesiastical Houses of Residence.<br>In part; namely,—<br>Preamble.<br>Section one, to "same, that" and the word "that" before "so much."<br>Section two, the words "for England." |
| 5 & 6 Vict. c. 27. | An Act the title of which begins with the words "An Act for better" and ends with the words "Farming Leases."<br>In part; namely,—<br>Preamble.<br>Section one, to "same, that" and the words "after the passing of this Act."<br>Section six, to "enacted, that" and the word "that." |
| 5 & 6 Vict. c. 28. | An Act the title of which begins with the words "An Act to assimilate" and ends with the words "lieu thereof."<br>In part; namely,—<br>Preamble to "England: And" and from "after the twenty-fifth" to "twenty-six" and the last recital.<br>Section one, the words "after the commencement of this Act."<br>Section two, from "after the twenty-fifth" to "thirty-eight," from "or of the statute" to transporting felons," from "And whereas," to "with death," and the words "after the commencement of this Act."<br>Section five, the words "at any time after the passing of the said Act" from "And whereas" where those words last occur to "with death" and the words "from and after the commencement of this Act."<br>Section six, from "at any time after the twenty-fifth" to "eighty-seven" from "And whereas" where the words last occur to "with death," and the words "from and after the commencement of this Act."<br>Section seven, from "And whereas" where those words last occur to "with death," and the words "from and after the commencement of this Act."<br>Section eight, from "And whereas" where those words last occur to with death" and the words "from and after the commencement of this Act."<br>Section twelve, from "And whereas" where those words last occur to "with death" and the words "from and after the commencement of this Act."<br>Section twenty, to "therefore enacted, that." |
| 5 & 6 Vict. c. 29. | An Act for establishing a Prison at Pentonville.<br>In part; namely,—<br>Section one, the words "and for appointing inspectors of prisons in Great Britain." |

| Reign and Chapter. | Title. |
|---|---|
| 5 & 6 Vict. c. 29. —*cont.* | Section three, to "this Act" where those words first occur and the words "become and" and "her heirs and successors."<br>Section six, the words "commissioners of Her Majesty's." |
| 5 & 6 Vict. c. 32. | An Act for better recording Fines and Recoveries in Wales and Cheshire.<br>In part; namely,—<br>Preamble.<br>Section one, to "same that." |
| 5 & 6 Vict. c. 35. | An Act the title of which begins with the words "An Act for granting" and ends with the words "and offices . . . ."<br>In part; namely,—<br>Section five, the words "the governor and directors of," where those words first occur.<br>Section six, the words "shire or stewartry" and the words "shire, stewartry."<br>Section eight, the words "shire or stewartry."<br>The words "or stewartry" wherever they occur in sections twelve, thirteen, and fifteen.<br>Section fourteen, the words, "shire or stewartry."<br>Section twenty-three, the words "commissioners of her Majesty's" where they first occur, from "of the United" to "Ireland," the words "under their hands and seals" and the words "said commissioners of her Majesty's" where they twice occur.<br>Section thirty, the words "commissioners of her Majesty's," and the words "said commissioners of her Majesty's" (twice occurring).<br>Section thirty-one, the words "commissioners of her Majesty's."<br>Section thirty-two, the words "shire, stewartry" wherever they occur and the words "shires, stewartries."<br>The words "commissioners of her Majesty's" wherever they occur in sections thirty-three to thirty-five and thirty-seven.<br>Section thirty-five, the words "under their hands."<br>Section eighty-eight, Schedule (C.), from "lord high" to "Majesty's" and the words "the governor and company of."<br>Section eighty-nine, the words "the company of."<br>The words "commissioners of her Majesty's" in section one hundred and forty-seven, one hundred and sixty-two, one hundred and eighty-three, one hundred and eighty-six (twice occurring), and the word "said" in the last-mentioned section.<br>Section one hundred and seventy-six, from "from the fifth" where those words first occur, to "assessment, and," and the word "subsequent."<br>Section one hundred and ninety-one, to "time being; and," the words "said commissioners of her Majesty's," and from "either under" to "commissioners, or."<br>Section one hundred and ninety-two, from "the expression her Majesty" to "time being." |

| Reign and Chapter. | Title. |
|---|---|
| 5 & 6 Vict. c. 37. | An Act . . . . to amend the Laws relating to the Land and Assessed Taxes.<br>In part; namely—<br>Section three, to "passing of this Act." |
| 5 & 6 Vict. c. 38. | An Act to define the Jurisdiction of Justices in General and Quarter Sessions of the Peace.<br>In part; namely,—<br>Preamble.<br>Section one, to "this Act." |
| 5 & 6 Vict. c. 44. | An Act for the Transfer of Licenses and Regulation of Public Houses.<br>In part; namely,—<br>Preamble.<br>Section one, to "passing of this Act." |
| 5 & 6 Vict. c. 45. | The Copyright Act, 1842.<br>In part; namely,—<br>Preamble.<br>Section four, to "enacted, that."<br>Section five, to "enacted, that," and the word "that" before "it shall."<br>Section twenty to "enacted, that," and the word "that" before "the sole." |
| 5 & 6 Vict. c. 46. | An Act the title of which begins with the words "An Act to amend," and ends with the words "in Ireland."<br>In part; namely,—<br>Section four, to "of this Act."<br>Section five, the words "and lord lieutenant." |
| 5 & 6 Vict. c. 47. | An Act to amend the Laws relating to the Customs.<br>In part; namely,—<br>Preamble.<br>Section one. |
| 5 & 6 Vict. c. 51. | An Act for providing for the further Security and Protection of Her Majesty's Person.<br>In part; namely,—<br>Preamble.<br>Section one to "of this Act." |
| 5 & 6 Vict. c. 54. | An Act to amend the Acts for the Commutation of Tithes in England and Wales . . .<br>In part; namely,—<br>Section five, to "enacted, that."<br>Section six, to "enacted, that."<br>Section fourteen, to "enacted that" and the word "that" before "upon such."<br>Section fifteen, to "enacted that." |
| 5 & 6 Vict. c. 55. | The Railway Regulation Act, 1842.<br>In part; namely,—<br>Preamble.<br>Section ten, to "enacted that."<br>Section twelve, to "enacted that."<br>Section fourteen, to "enacted, that."<br>Section sixteen, to "repealed; and that."<br>Section seventeen, to "enacted, that." |
| 5 & 6 Vict. c. 56. | An Act for further amending the Laws relating to the Customs.<br>In part; namely,—<br>Section six, to "passing of this Act." |

| Reign and Chapter. | Title. |
|---|---|
| 5 & 6 Vict. c. 57. | The Poor Law Amendment Act, 1842.<br>In part; namely,—<br>Preamble.<br>Section two, to "and forty-two," the words "after the passing of this Act," "lord high treasurer or the commissioners of her Majesty's," and "for the time being or any three of them."<br>Section fifteen, to "enacted that." |
| 5 & 6 Vict. c. 61. | An Act to provide for the better Government of South Australia.<br>In part; namely,—<br>Preamble.<br>Section seven, the words "from and after the passing of this Act."<br>Section eight, to "enacted that," from "lord" where first occurring to next following "Majesty's," from "of the United" where first occurring, to "of them," the words "he or" and from "said lord" to "Majesty's."<br>Section ten, from "lord" to "Majesty's."<br>Repealed as to all Her Majesty's dominions. |
| 5 & 6 Vict. c. 68. | An Act the title of which begins with the words "An Act to amend" and ends with the words "their Wages."<br>Preamble.<br>Section two, to "therefore enacted that." |
| 5 & 6 Vict. c. 69. | An Act for perpetuating Testimony in certain cases.<br>In part; namely,—<br>Preamble.<br>Section one, to "same that," the words "from and after the passing of this Act," and the word "that," before "all laws."<br>Section two, the words "her heirs or successors" where they first occur. |
| 5 & 6 Vict. c. 74. | An Act the title of which begins with the words "An Act to amend" and ends with the words "of Dublin."<br>In part; namely,—<br>Preamble. |
| 5 & 6 Vict. c. 75. | An Act to remove Doubts touching the Law relating to Charitable Pawn or Deposit Offices in Ireland.<br>In part; namely,—<br>Preamble.<br>Section one, to "of the same, that." |
| 5 & 6 Vict. c. 76. | An Act for the Government of New South Wales and Van Diemen's Land.<br>In part; namely,—<br>Preamble.<br>Section one, to "of the same that," and the word "that" wherever it occurs.<br>Section forty-one, to "enacted that."<br>Section forty-three, the words "her heirs and successors."<br>Section fifty-one, to "enacted that."<br>Section fifty-three, to "repealed; and that," and from "which but for," to "Parliament."<br>Repealed as to all Her Majesty's dominions. |

| Reign and Chapter. | Title. |
|---|---|
| 5 & 6 Vict. c. 79. | An Act the title of which begins with the words "An Act to repeal," and ends with the words "Stamp Duties."<br>In part; namely,—<br>Preamble.<br>Section two, to "repealed," the words "her heirs and successors."<br>Section seven, the words "her heirs and successors" occurring twice.<br>Section thirteen, to "enacted, that," and the word "that" before "no such."<br>Section twenty-three, to "enacted that" from "after the thirty-first" to "and fifteen" and the words "after that day." |
| 5 & 6 Vict. c. 80. | An Act the title of which begins with the words "An Act to grant" and ends with the words "Foreign States."<br>In part; namely,—<br>Section two, to "therefore enacted, that." |
| 5 & 6 Vict. c. 82. | An Act the title of which begins with the words "An Act to assimilate," and ends with the words "the same . . ."<br>In part; namely,—<br>Preamble.<br>The words "her heirs and successors" wherever they occur in sections two, six, seven, and thirty-seven.<br>The words "commissioners of her Majesty's" in sections two and seven.<br>The words "the governor and company of" in section two.<br>Section seventeen, the words "from and after the commencement of the Act" "the present or" and "subsequent."<br>Section nineteen, to "enacted, that."<br>Section thirty-five, to "of this Act." |
| 5 & 6 Vict. c. 86. | An Act the title of which begins with the words "An Act for abolishing" and ends with the words "that Court."<br>In part; namely,—<br>Section eight, to "enacted, that." |
| 5 & 6 Vict. c. 89. | An Act to promote the Drainage of Lands, and Improvement of Navigation and Water Power in connexion with such Drainage, in Ireland.<br>In part; namely,—<br>Preamble.<br>Section one, to "same, that."<br>Section fifty-eight, to "enacted, that" and the word "such" where it next occurs.<br>Section eighty-nine, the words "said commissioners of her Majesty's."<br>Section ninety-one, the words "the said commissioners of."<br>Section ninety-six, the words "said commissioners of her Majesty's."<br>Section one hundred and three, the words "commissioners of her Majesty's" and "the said commissioners of."<br>Section one hundred and fourteen, the words "commissioners of her Majesty's" and "or any three or more of them."<br>Section one hundred and forty-five, to "enacted that" and from "or other" to "of Ireland." |

| Reign and Chapter. | Title. |
|---|---|
| 5 & 6 Vict. c. 89. | Section one hundred and forty-six, from "or other" where first occurring to "of Ireland," and the words "or other chief governor or governors" wherever they occur.<br>Section one hundred and forty-seven, the words "or other chief governor or governors."<br>Section one hundred and fifty-two, to "enacted, that" and the words "after the passing of this Act."<br>Section one hundred and sixty-one, the words "her heirs or successors" occurring twice. |
| 5 & 6 Vict. c. 93. | An Act the title of which begins with the words "An Act to amend" and ends with the words "lieu thereof."<br>In part; namely,—<br>Preamble.<br>Section one, to "same, that."<br>Section six. |
| 5 & 6 Vict. c. 94. | The Defence Act, 1842.<br>In part; namely,—<br>The words "or her or their heirs or successors" in sections five and six.<br>The words "her heirs and successors" and "her heirs or successors" wherever they occur.<br>Section five, to "this Act."<br>Section nineteen, the word "stewartry."<br>Section twenty, the words "or sittings of nisi prius," and the words "or sittings" subsequently occurring twice.<br>Section twenty-three, the word "stewartry," the words "under the hand or hands," from "lord high" to "Majesty's," and from "of the United" to "of them."<br>Section thirty-one, from "lord high" to "Majesty's."<br>Section forty, the words "his Majesty's" where they lastly occur and the words "forests and land revenues." |
| 5 & 6 Vict. c. 95. | An Act the title of which begins with the words "An Act for consolidating" and ends with the words "in Ireland."<br>In part; namely,—<br>Preamble.<br>Section one, to "passing of this Act" the words "that after the passing of this Act" the word "that" before "the persons" and from "and all securities" to "prison under this Act." |
| 5 & 6 Vict. c. 97. | An Act the title of which begins with the words "An Act to amend" and ends with the words "of Parliament."<br>In part; namely,—<br>Preamble.<br>Section one, to "same, that."<br>Section four, to "passing of this Act."<br>Section five, the words "from and after the passing of this Act." |
| 5 & 6 Vict. c. 103. | An Act for abolishing certain Offices of the High Court of Chancery in England.<br>In part; namely,—<br>Section thirty-four to "enacted, that." |

| Reign and Chapter. | Title. |
|---|---|
| 5 & 6 Vict. c. 104. | An Act the title of which begins with the words "An Act to explain" and ends with the words "in Ireland."<br>In part; namely,—<br>Preamble.<br>Section one, to "of this Act."<br>Section seven, to "this Act."<br>Section eight, to "this Act." |
| 5 & 6 Vict. c. 105. | An Act the title of which begins with the words "An Act to amend," and ends with the words "in Rivers."<br>In part; namely,—<br>Preamble.<br>Section one, to "passing of this Act."<br>The words "or other chief governor or governors of Ireland" wherever they occur in sections one, six, and eight.<br>Section ten, the words "her heirs or successors" occurring twice. |
| 5 & 6 Vict. c. 106. | An Act to regulate the Irish Fisheries.<br>In part; namely,—<br>Preamble.<br>Section ten, to "enacted, that."<br>Section thirteen, to "enacted, that."<br>Section sixteen, from "at any time after" to "and forty-three."<br>Section seventeen, to "enacted, that," and from "and all bishops" to "benefices."<br>Section eighteen, to "enacted, that."<br>Section twenty-one from "now is" to "this Act."<br>Section thirty-six, from "after the first" to "forty-four."<br>Section thirty-seven, from "after the first" to "forty-four."<br>Section thirty-eight, from "after the said first" to "forty-four."<br>Section forty-one, to "and forty-three."<br>Section sixty-six, from "after the first" to "forty-four."<br>Section sixty-nine, from "after the first" to "forty-four."<br>Section seventy-five, to "enacted that."<br>Section eighty-two, to "enacted, that."<br>Section ninety-one from "or other chief" to "being."<br>Section ninety-two from "or other chief" to next following "being," the words "or their" and from "or other governor" to "being."<br>Section one hundred and two from "or other" to "Ireland."<br>Section one hundred and twelve from "or other" where those words first occur to "Ireland," and the words "or other chief governor or governors" secondly occurring. |
| 5 & 6 Vict. c. 108. | The Ecclesiastical Leasing Act, 1842.<br>In part; namely,—<br>Preamble.<br>Section one, to "same, that." |

| Reign and Chapter. | Title. |
|---|---|
| 5 & 6 Vict. c. 109. | An Act for the Appointment and Payment of Parish Constables.<br>In part; namely,—<br>Preamble.<br>Section one, to "same that."<br>Section twenty-one the words "after the passing of this Act." |
| 5 & 6 Vict. c. 119. | An Act the title of which begins with the words "An Act to enable," and ends with the words "of Pension."<br>In part; namely,—<br>Preamble.<br>Section one, to "of the same, that." |
| 5 & 6 Vict. c. 120. | An Act for amending the Constitution of the Government of Newfoundland."<br>In part; namely,—<br>Preamble.<br>Section one, to "of the same, that." |
| 5 & 6 Vict. c. 123. | The Private Lunatic Asylums (Ireland) Act, 1842.<br>In part; namely,—<br>Preamble.<br>Section three, to "of this Act."<br>Section sixteen, to "enacted, that."<br>Section forty-three, to "enacted that."<br>Section forty-seven, to "enacted that."<br>Section fifty-two from "the words 'lord lieutenant'" to "of Ireland." |

# CHAPTER 52.

## An Act to provide further facilities for the Construction of certain Railways in Ireland. [18th August 1890.]

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

**Publication of advertisements.**

1. It shall be lawful for the promoters of any of the light railways between the places mentioned in the First Schedule to this Act, within the time specified in the Second Schedule to this Act, to publish the advertisements mentioned in section one of the Tramways (Ireland) Act, 1860, and in every such case the several matters and things required to be done under the Tramways (Ireland) Acts, may and are hereby required to be done at and within the several times specified in the Second Schedule to this Act, instead of the several times specified in the Tramways (Ireland) Acts.

**Power to summon grand juries.**

2.—(1.) It shall be lawful for the Lord Lieutenant, by order made by and with the advice and consent of the Privy Council, on or before the eighth day of November one thousand eight hundred

and ninety, to direct that the sheriff of any county within which any of the light railways between the places mentioned in the First Schedule to this Act is proposed to be made, shall summon the grand jury of such county for such day not earlier than the twentieth day of November or later than the twentieth day of December one thousand eight hundred and ninety, as the sheriff shall think fit.

(2.) Every such sheriff, immediately on receiving such Order in Council, shall fix and appoint for impanelling the grand jury under the provisions of this Act such day within the limit mentioned in the Order as in his discretion may seem fit, and thereupon all the provisions of the Grand Jury Acts with respect to the summoning, impanelling, attending, and swearing of grand jurors at the ordinary assizes of the county shall, subject to the provisions of this Act, apply, mutatis mutandis, in the case of each grand jury of a county mentioned in such Order in Council and summoned under the provisions of this Act; and each such grand jury so summoned shall continue to serve until they have completed the consideration of all presentments brought before them under the provisions of this Act.

Powers of grand juries.

**3.**—(1.) Each grand jury of a county so impanelled as aforesaid shall, subject to the provisions of this Act, have in respect of any presentment brought before them thereunder all the same powers and jurisdiction in all respects which the grand jury of the county, summoned for an assizes of the county, would have under the provisions of the Tramways (Ireland) Acts.

(2.) Notwithstanding any of the provisions of the Tramways (Ireland) Acts, every presentment made by any such grand jury shall, subject to the provisions of this Act, be and be deemed to be of the same force and effect to all intents and purposes as if it had been fiated by the judge at assizes under the provisions of the Tramways (Ireland) Acts, and be subject to the like right of appeal.

Application of Acts to towns, &c.

**4.** In any case where for the purposes of the Tramways and Public Companies (Ireland) Act, 1883, the grand jury of a county of a town, or town or other commissioners, are in the place of the grand jury of the county within which the city, borough, town corporate, place, or district over which they have control is locally situate, then such grand jury of a county of a town or commissioners shall for the purposes of this Act be in like manner in the place of the grand jury of the county, and a meeting of such body shall be held for the purposes of this Act at a time as nearly as may be corresponding with the time of the meeting, under the provisions of this Act, of the grand jury for the county within which the city, borough, town corporate, place, or district is locally situated.

Powers to railway company. 52 & 53 Vict. c. 66.

**5.** Where the Treasury have made an agreement with a railway company under the provisions of section four of the Light Railways (Ireland) Act, 1889, for the construction, maintenance, and working of a light railway, it shall be lawful for the railway company, with the consent of the Treasury, to construct, maintain, and work under such agreement a railway other than a light railway.

**6.** In this Act, unless there is something inconsistent in the context— Interpretation.

The expression "the Tramways (Ireland) Acts" means the Tramways (Ireland) Act, 1860, the Tramways (Ireland) Amendment Act, 1861, the Act of the session of the thirty-fourth and thirty-fifth years of the reign of Her present Majesty, chapter one hundred and fourteen, the Tramways (Ireland) Amendment Act, 1881, the Tramways and Public Companies (Ireland) Act, 1883, and the Light Railways (Ireland) Act, 1889; 23 & 24 Vict. c. 152. 34 & 35 Vict. c. 114. 44 & 45 Vict. c. 17. 46 & 47 Vict. c. 43. 52 & 53 Vict. c. 66.

The expression "the Grand Jury Acts" means the Act of the session of the sixth and seventh years of the reign of King William the Fourth, chapter one hundred and sixteen, and any Act amending the same. 6 & 7 Will. 4. c. 116.

All other words and expressions in this Act which are not thereby defined or explained, and are defined or explained in any of the Tramways (Ireland) Acts, have, unless there is something inconsistent in the context, the same meaning as in the last-mentioned Acts, and the said Acts as varied by this Act and this Act shall, so far as is consistent with the tenor thereof, be read together and construed as one Act.

**7.** This Act may be cited as the Railways (Ireland) Act, 1890. Short title.

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## FIRST SCHEDULE.

Galway to Clifden.
Westport to Mallaranny.
Ballina to Killala.
Headford to Kenmare.
Killorglin to Valentia.

## SECOND SCHEDULE.

| Matter or Thing to be done. | Time for doing. |
|---|---|
| First publication of advertisement, mentioned in section one of the Tramways (Ireland) Act, 1860. | On or before the first day of October one thousand eight hundred and ninety. |
| Deposit with the secretary of the grand jury, county surveyor, and clerks of unions, of the documents and copies of documents mentioned in section two of the said Act. | On or before the fifteenth day of October one thousand eight hundred and ninety. |
| Notice mentioned in section three of the said Act. | Same date. |
| Deposit with the secretary of the grand jury and county surveyor of the memorial and other documents mentioned in section four of the said Act. | On or before the twentieth day of October one thousand eight hundred and ninety. |
| Inquiry by Board of Works under section nine of the Tramways (Ireland) Act, 1860, as altered by section seven of the Light Railways (Ireland) Act, 1889. | Between the twenty-second and thirtieth days of October one thousand eight hundred and ninety. |
| Report of Board of Works upon the said inquiry. | On or before the first day of December one thousand eight hundred and ninety. |

| Matter or Thing to be done | Time for doing |
|---|---|
| Lodgment with the Clerk of the Privy Council of the memorial applying for an Order in Council to authorise the construction of the tramway, and to confirm the presentment of the grand jury under the provisions of the Tramways (Ireland) Order 1883. | Within four days from the passing of the presentment. |
| Notice of the lodgment of such memorial by the advertisements prescribed by the Seventh General Rule of the Tramways (Ireland) Order, 1883. | Within one week from the lodgment of the memorial |
| Service of notice of appeal to the Lord Lieutenant in Council against any presentment of a grand jury, or any such body as is mentioned in section four of this Act | Within ten days next after the publication of the notice of the lodgment of the memorial lastly mentioned. |

# CHAPTER 53.

## An Act to exempt certain letters of hypothecation from the operation of the Bills of Sale Act, 1882.

[18th August 1890.]

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Exemption of letters of hypothecation of imported goods from 45 & 46 Vict c 43 s 9.

1. An instrument given or executed at any time prior to such deposit, reshipment, or delivery as herein-after mentioned, hypothecating or declaring trusts of imported goods during the interval between the discharge of the goods from the ship in which they are imported and their deposit in a warehouse, factory, or store, or their being reshipped for export or delivered to a purchaser not being the purchaser giving or executing such instrument, shall not be deemed a bill of sale within the meaning of section nine of the Bills of Sale Act, 1882.

Saving of 46 & 47 Vict c 52 s 44

2. Nothing in this Act shall affect the operation of section forty-four of the Bankruptcy Act, 1883, in respect of any goods comprised in any such instrument as is herein-before described, if such goods would but for this Act be goods within the meaning of sub-section three of that section

Short title.

3. This Act may be cited as the Bills of Sale Act, 1890.

# CHAPTER 54.

## An Act to amend the seventy-eighth section of the Metropolis Management Amendment Act, 1862.

[18th August 1890.]

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Repeal of 25 & 26 Vict c. 102. s. 78.

Vestries and district boards may flag footpaths and recover expense from owners.

1. Section seventy-eight of the Act passed in the session of Parliament holden in the twenty-fifth and twenty-sixth years of the reign of Her present Majesty, chapter one hundred and two, intituled "An Act to amend the Metropolis Local Management Acts," shall be repealed, and in the place thereof there shall be enacted the section following, viz.: In case any footway or any part of a footway laid out at the passing of the Act of the eighteenth and nineteenth years of the reign of Her present Majesty Queen Victoria, chapter one hundred and twenty, intituled "An Act for the better Local Management of the Metropolis," shall have been repaired by the vestry or district board of works, or any other public body, but such footway or any part thereof shall not have been flagged or only partially flagged, and the vestry or district board of works shall have deemed it necessary or expedient, or shall deem it necessary or expedient, that the same should be flagged either throughout the whole length and breadth thereof or any part of such length or breadth respectively, and such vestry or district board shall have flagged or be about to flag the same, the owners of the houses and the owners of the land bounding or abutting on the road or street in which such footway or any part thereof is situate, shall on demand pay to such vestry or district board of works the amount of the expense incurred, or the estimated expense to be incurred, in providing and laying such flagging; and in the case of estimated expense where the same shall exceed the actual expense of such flagging, then the difference between such estimated expense and such actual expense shall be repaid by the vestry or district board to the owners of houses and land by whom the said estimated expense has been paid; and in case the said estimated expense be less than the actual expense of such paving, then the owners of the said houses and land shall on demand pay to the vestry or district board such further sum of money as, together with the sum already paid, amounts to the actual expense: Provided that it shall be lawful for the said vestry or district board to charge the owners of land in a less proportion than the owners of house property should they (the said vestry or district board) deem it just and expedient so to do.

Apportionment and recovery of expense.

2. The expense aforesaid, whether estimated or actual (including the cost of flagging at the points of intersections of streets, and all other incidental costs and charges), shall be ascertained and apportioned by the vestry or district board amongst the parties liable to

pay the same under the preceding section of this Act, and shall be recoverable either before the work shall be commenced, or during its progress, or after its completion, from the owner of the premises, either by action-at-law or in a summary manner before a justice of the peace at the option of the vestry or district board, as provided for by the two hundred and twenty-fifth section of the said Act of the eighteenth and nineteenth years of the reign of Her present Majesty Queen Victoria.

Vestry or board to keep flagging in repair.

**3.** After any vestry or district board has flagged any footway under the provisions of this Act, the said vestry or board shall keep the said flagging in good and sufficient repair.

Interpretation of terms.

**4.** In the construction of this Act all the provisions contained in the two hundred and fiftieth section of the said Act of the eighteenth and nineteenth Victoria, chapter one hundred and twenty, and the one hundred and twelfth section of the said Act of the twenty-fifth and twenty-sixth Victoria, chapter one hundred and two, shall be deemed and taken to apply to and extend to the provisions of this Act, and the term "flag" or "flagging" shall include asphalte or other similar paving material, and the term "paved" shall include asphalted or other similar paved work.

Construction of Act.

**5.** Except as by this Act expressly amended or varied, the said Act of the session of the eighteenth and nineteenth Victoria, chapter one hundred and twenty, and the several Acts passed for the amendment of the said Act and this Act shall be construed together as one Act.

Short title.

**6.** This Act may be cited as the Metropolis Management Act, 1862, Amendment Act, 1890.

# CHAPTER 55.

## An Act for the better prevention of Corrupt and Illegal Practices at Elections in Scotland other than Parliamentary elections. [18th August 1890.]

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Short title.

**1.** This Act may be cited as the Elections (Scotland) (Corrupt and Illegal Practices) Act, 1890, and shall apply to elections to any corporate office as defined by section two hereof.

Definitions.

**2.** "Burgh" includes royal burgh, parliamentary burgh, burgh of barony, burgh of regality, and police burgh formed under any general police Act, and the burgh of Coatbridge in the county of Lanark:

"Corporate office" means the office of county councillor, town councillor, or police commissioner of a burgh, member of parochial board, or member of school board:

"Election" means an election to a corporate office as defined by this Act:

"Bribery," "treating," "undue influence," and "personation," include respectively anything done before, at, after, or with respect to an election under this Act, which, if done before, at, after, or with respect to a parliamentary election, would make the person doing the same liable to any penalty, punishment, or disqualification for bribery, treating, undue influence, or personation, as the case may be, under any Act for the time being in force with respect to parliamentary elections:

"Corrupt practice" means treating and undue influence as defined by the Corrupt and Illegal Practices Prevention Act, 1883, and bribery and personation, as defined by the enactments set forth in the First Schedule to this Act, and aiding, abetting, counselling, and procuring the commission of the offence of personation: 46 & 47 Vict. c. 51.

"Candidate" means a person elected, or having been nominated, or having declared himself a candidate for election, to a corporate office:

"Election court" means a court constituted under this Act for the trial of an election petition:

"Election petition" means a petition under this Act complaining of an undue election:

"Licensing Acts" means the Acts regulating the licensing of premises for the sale of intoxicating liquors in Scotland:

"Parliamentary election petition" means a petition under the Parliamentary Elections Act, 1868: 31 & 32 Vict. c. 125.

"Prescribed" means prescribed by general rules made under this Act:

"Revising authority" means the sheriff:

"Election," when used with reference to a petition, means the election to which the petition relates:

Other expressions shall have the same meaning as in the Corrupt and Illegal Practices Prevention Act, 1883. 46 & 47 Vict. c. 51.

## *Corrupt Practices.*

**3.** A person who commits any corrupt practice in reference to an election under this Act shall be guilty of the like offence, and shall on conviction be liable to the like punishment, and subject to the like incapacities, as if the corrupt practice had been committed in reference to a parliamentary election. General penalties for corrupt practices.

**4.**—(1.) Where upon the trial of an election petition it is found by the election court that any corrupt practice, other than treating and undue influence, has been proved to have been committed in reference to such election by or with the knowledge and consent of any candidate at such election, or that the offence of treating or undue influence has been proved to have been committed in reference to such election by any candidate thereat, that candidate shall not be capable of ever holding a corporate office, and if he has been elected his election shall be void; and he shall further Incapacity of candidate guilty of corrupt practice.

be subject to the same incapacities as if at the date of the said finding he had been convicted of a corrupt practice.

(2.) If the election court finds that any candidate at such election has been guilty by his agents of a corrupt practice in reference to such election, that candidate shall not be capable of being elected to or holding any corporate office during a period of three years from the date of the finding, and, if he has been elected, his election shall be void.

Avoidance of election for general corruption.

**5.** An election shall be wholly avoided by such general corruption, bribery, treating, or intimidation at the election, as would by the common law of Parliament avoid a parliamentary election.

Striking off votes.

**6.** The votes of persons in respect of whom any corrupt practice is proved to have been committed at an election shall be struck off on a scrutiny.

Personation.

**7.** The enactments for the time being in force for the detection of personation and for the apprehension of persons charged with personation at a parliamentary election shall apply in the case of an election under this Act.

*Illegal Practices.*

Certain expenditure to be illegal practice.

**8.**—(1.) No payment or contract for payment shall, for the purpose of promoting or procuring the election of a candidate at an election, be made—

(*a.*) on account of the conveyance of electors to or from the poll whether for the hiring of horses or carriages, or for railway fares, or otherwise; or

(*b.*) to an elector on account of the use of any house, land, building, or premises for the exhibition of any address, bill, or notice, or on account of the exhibition of any address, bill, or notice; or

(*c.*) on account of any committee room in excess of the number allowed by this Act (that is to say), one committee room if the number of electors is less than two thousand, and one additional committee room for every two thousand electors and incomplete part of two thousand electors, over and above the said two thousand.

(2.) Subject to such exception as may be allowed in pursuance of this Act, if any payment or contract for payment is knowingly made in contravention of this section, either before, during, or after an election, the person making such payment or contract shall be guilty of an illegal practice, and any person receiving such payment or being a party to any such contract, knowing the same to be in contravention of this Act, shall also be guilty of an illegal practice.

(3.) Provided that where it is the ordinary business of an elector as an advertising agent to exhibit for payment bills and advertisements, a payment to or contract with such elector if made in the ordinary course of business, shall not be deemed to be an illegal practice within the meaning of this section.

**9.**—(1.) Subject to such exception as may be allowed in pursuance of this Act, no sum shall be paid and no expense shall be incurred by or on behalf of a candidate at an election, whether before, during, or after an election, on account of or in respect of the conduct or management of such election, save that a sum may be paid and expense incurred not in excess of the maximum amount following; (that is to say,)

Expense in excess of the maximum to be illegal practice.

The sum of twenty-five pounds, and, if the number of electors entitled to vote for such candidate exceeds five hundred, an additional amount of threepence for each elector above the first five hundred electors.

(2.) Where there are two or more joint candidates at an election the maximum amount of expenses shall, for each of such joint candidates, be reduced by one fourth, or if there are more than two joint candidates by one third.

(3.) Where two or more candidates at an election, by themselves or any agent or agents, hire or use the same committee rooms for such election, or employ or use the services of the same clerks, messengers, or polling agent at such election, or publish a joint address or joint circular or notice at such election, those candidates shall be deemed for the purposes of this enactment to be joint candidates at such election: Provided that—

(*a.*) The employment and use of the same committee room, clerk, messenger, or polling agent, if accidental or casual, or of a trivial and unimportant character, shall not be deemed of itself to constitute persons joint candidates;

(*b.*) Nothing in this enactment shall prevent candidates from ceasing to be joint candidates;

(*c.*) Where any excess of expenses above the maximum allowed for one of two or more joint candidates has arisen owing to his having ceased to be a joint candidate, or to his having become a joint candidate after having begun to conduct his election as a separate candidate, and such ceasing or beginning was in good faith, and such excess is not more than, under the circumstances, is reasonable, and the total expenses of such candidate do not exceed the maximum amount allowed for a separate candidate, such excess shall be deemed to have arisen from a reasonable cause within the meaning of the enactments respecting the allowance by the election court of an exception from the provisions of this Act which would otherwise make an act an illegal practice, and the candidate may be relieved accordingly from the consequences of having incurred such excess of expenses.

(4.) Any candidate or agent of a candidate or person who knowingly acts in contravention of this section shall be guilty of an illegal practice.

**10.**—(1.) If any person votes or induces or procures any person to vote at an election, knowing that he or such person is prohibited, whether by this or any other Act, from voting at such election, he shall be guilty of an illegal practice.

Voting by prohibited persons, and publishing of false state-

ments of withdrawal to be illegal.

(2.) Any person who, before or during an election, knowingly publishes a false statement of the withdrawal of a candidate at such election, for the purpose of promoting or procuring the election of another candidate, shall be guilty of an illegal practice.

(3.) Provided that a candidate shall not be liable, nor shall his election be avoided, for any illegal practice under this section committed without his knowledge and consent.

Punishment on conviction of illegal practice.

**11.** A person guilty of an illegal practice in reference to an election shall, on summary conviction, be liable to a fine not exceeding one hundred pounds, and be incapable, during a period of five years from the date of his conviction, of being registered as an elector or voting at any election (whether it be a parliamentary election or an election for a corporate office within the meaning of this Act) held for or within the county, burgh, or parish in which the illegal practice has been committed.

Incapacity of candidate guilty of illegal practice.

**12.** Where, upon the trial of an election petition it is found that a candidate at an election has been guilty, by himself or his agents, of an illegal practice in reference to such election, the candidate shall not be capable of being elected to or of holding any corporate office during the period for which he was elected to serve or for which, if elected, he might have served, and if he was elected, his election shall be void; and, if such candidate has himself been guilty of such illegal practice, he shall also be subject to the same incapacities as if, at the date of the finding, he had been convicted of such illegal practice.

*Illegal Payment, Employment, and Hiring.*

Providing of money for illegal practice or payment to be illegal practice.

**13.** Where a person knowingly provides money for any payment which is contrary to the provisions of this Act, or for any expenses incurred in excess of any maximum amount allowed by this Act, or for replacing any money expended in any such payment, except where the same may have been previously allowed, in pursuance of this Act, to be an exception, such person shall be guilty of illegal payment.

Employment of hackney carriages or of carriages and horses kept for hire.

**14.**—(1.) A person shall not let, lend, or employ, for the purpose of the conveyance of electors to or from the poll at an election, any public stage or hackney carriage, or any horse or other animal kept or used for drawing the same, or any carriage, horse, or other animal which he keeps or uses for the purpose of letting out for hire, and if he lets, lends, or employs such carriage, horse, or other animal, knowing that it is intended to be used for the purpose of the conveyance of electors to or from the poll, he shall be guilty of illegal hiring.

(2.) A person shall not hire, borrow, or use, for the purpose of the conveyance of electors to or from the poll, any carriage, horse, or other animal which he knows the owner thereof is prohibited by this section to let, lend, or employ for that purpose, and if he does so he shall be guilty of illegal hiring.

(3.) Nothing in this Act shall prevent a carriage, horse, or other animal being let to or hired, employed, or used by an elector, at his

own cost, or by several electors, at their joint cost, for the purpose of conveying him or them to or from the poll.

(4.) No person shall be liable to pay any duty or to take out a licence for any carriage by reason only of such carriage being used without payment or promise of payment for the conveyance of electors to or from the poll at an election.

**15.** Any person who corruptly induces or procures any other person to withdraw from being a candidate at an election, in consideration of any payment or promise of payment, shall be guilty of illegal payment, and any person withdrawing in pursuance of such inducement or procurement shall also be guilty of illegal payment.

Corrupt withdrawal from a candidature.

**16.**—(1.) No payment or contract for payment shall, for the purpose of promoting or procuring the election of a candidate at an election, be made on account of bands of music, torches, flags, banners, cockades, ribbons, or other marks of distinction.

Certain expenditure to be illegal payment.

(2.) Subject to such exception as may be allowed in pursuance of this Act, if any payment or contract for payment is made in contravention of this section, either before, during, or after an election, the person making such payment shall be guilty of illegal payment, and any person being a party to any such contract or receiving such payment shall also be guilty of illegal payment if he knew that the same was made contrary to law.

**17.**—(1.) No person shall, for the purposes of promoting or procuring the election of a candidate at an election, be engaged or employed for payment or promise of payment for any purpose or in any capacity whatever, except as follows (that is to say),

Certain employment to be illegal.

(*a.*) a number of persons may be employed, not exceeding two if the number of electors is less than two thousand, and one additional person may be employed for every thousand electors and incomplete part of a thousand electors over and above the said two thousand, and such persons may be employed as clerks and messengers, or in either capacity; and

(*b.*) one polling agent may be employed in each polling station:

Provided that this section shall not apply to any engagement or employment for carrying into effect a contract bonâ fide made with any person in the ordinary course of business.

(2.) Subject to such exception as may be allowed in pursuance of this Act, if any person is engaged or employed in contravention of this section, either before, during, or after an election, the person engaging or employing him shall be guilty of illegal employment, and the person so engaged or employed shall also be guilty of illegal employment if he knew that he was engaged or employed in contravention of this Act.

(3.) A person legally employed for payment under this section may or may not be an elector, but may not vote.

**18.** Every bill, placard, or poster having reference to an election shall bear upon the face thereof the name and address of the printer and publisher thereof; and any person printing, publishing, or posting, or causing to be printed, published, or posted,

Name and address of printer on placards.

any such bill, placard, or poster as aforesaid, which fails to bear upon the face thereof the name and address of the printer and publisher, shall, if he is a candidate, be guilty of an illegal practice, and, if he is not the candidate, shall be liable on summary conviction to a fine not exceeding one hundred pounds.

Saving for creditors.

**19.** The provisions of this Act prohibiting certain payments and contracts for payments, and the payment of any sum, and the incurring of any expense, in excess of a certain maximum, shall not affect the right of any creditor who, when the contract was made or the expense was incurred, was ignorant of the same being in contravention of this Act.

Use of certain premises for committee rooms or meetings to be illegal hiring.

**20.**—(1.) (*a.*) Any premises, which are licensed for the sale of any intoxicating liquor for consumption on or off the premises or on which refreshment of any kind (whether food or drink) is ordinarily sold for consumption on the premises, or

(*b.*) Any premises where any intoxicating liquor is supplied to members of a club, society, or association, on any part of any such premises,

shall not, for the purpose of promoting or procuring the election of a candidate at an election, be used either as a committee room or for holding a meeting, and if any person hires or uses any such premises or any part thereof in contravention of this section he shall be guilty of illegal hiring, and the person letting or permitting the use of such premises or part thereof, if he knew it was intended to use the same, in contravention of this section, shall also be guilty of illegal hiring.

(2.) Provided that nothing in this section shall apply to any part of such premises which is ordinarily let for the purpose of chambers or offices or the holding of public meetings or of arbitrations, if such part has a separate entrance and no direct communication with any part of the premises on which any intoxicating liquor or refreshment is sold or supplied as aforesaid.

Punishment of illegal payment, employment, or hiring.

**21.**—(1.) A person guilty of an offence of illegal payment, employment, or hiring shall, on summary conviction, be liable to a fine not exceeding one hundred pounds.

(2.) Where an offence of illegal payment, employment, or hiring is committed by a candidate, or with his knowledge and consent, such candidate shall be guilty of an illegal practice.

Avoidance of election for extensive illegal practices, &c.

**22.** Where upon the trial of an election petition it is found that illegal practices or offences of illegal payment, employment, or hiring, committed in reference to such election for the purpose of promoting the election of a candidate at that election, have so extensively prevailed that they may be reasonably supposed to have affected the result of that election, the election of such candidate, if he has been elected, shall be void, and he shall not, during the period for which he was elected to serve, or for which, if elected, he might have served, be capable of being elected to or holding any corporate office.

*Excuse and Exception for Corrupt or Illegal Practice, or Illegal Payment, Employment, or Hiring.*

**23.** Where, upon the trial of an election petition, the election court finds that a candidate at any election has been guilty by his agents of the offence of treating and undue influence, and illegal practice, or of any of such offences, in reference to such election, and the election court further finds—

Exoneration of candidate in certain cases of corrupt and illegal practice by agents.

(*a.*) That no corrupt or illegal practice was committed at such election by the candidate or with his knowledge or consent, and the offences were committed without the sanction or connivance of such candidate; and

(*b.*) That all reasonable means for preventing the commission of corrupt and illegal practices at such election were taken by and on behalf of the candidate; and

(*c.*) That the offences were of a trivial, unimportant, and limited character; and

(*d.*) That in all other respects the election was free from any corrupt or illegal practice on the part of such candidate and of his agents;

then the election of such candidate shall not, by reason of the offences mentioned in such finding, be void, nor shall the candidate be subject to any incapacity under this Act.

**24.** Where, on application made, it is shown to the election court, by such evidence as seems to the court sufficient—

Power of election court to except innocent act from being illegal practice, &c.

(*a.*) That any act or omission of a candidate at an election or of any agent or other person, would, by reason of being in contravention of any of the provisions of this Act, be but for this section an illegal practice, payment, employment, or hiring, and

(*b.*) That such act or omission arose from inadvertence or from accidental miscalculation or from some other reasonable cause of a like nature, and in any case did not arise from any want of good faith; and

(*c.*) That such notice of the application has been given as to the court seems fit;

and under the circumstances it seems to the court to be just that the said candidate, agent, and person, or any of them, should not be subject to any of the consequences under this Act of the said act or omission, the court may make an order allowing such act or omission to be an exception from the provisions of this Act which would otherwise make the same an illegal practice, payment, employment, or hiring, and thereupon such candidate, agent, or person shall not be subject to any of the consequences under this Act of the said act or omission.

*Claims and Payments for Election Expenses.*

**25.**—(1.) Every claim against any person in respect of any expenses incurred by or on behalf of a candidate at an election on account of or in respect of the conduct or management of such election shall be sent in within fourteen days after the day

Sending in claims and making payments for election expenses.

of election, and if not so sent in shall be barred and not paid, and all expenses incurred as aforesaid shall be paid within twenty-one days after the day of election, and not otherwise, and any person who makes a payment in contravention of this section, except where such payment is allowed as provided by this section, shall be guilty of an illegal practice, but if such payment was made without the sanction or connivance of the candidate, the election of such candidate shall not be void, nor shall he be subject to any incapacity under this Act by reason only of such payment having been made in contravention of this section.

(2.) Every agent of a candidate shall, within twenty-three days after the day of election, make a return to the candidate in writing of all expenses incurred by such agent on account of or in respect of the conduct or management of such election, and if he fails so to do he shall be liable, on a summary conviction, to a fine not exceeding fifty pounds.

(3.) Within twenty-eight days after the day of an election every candidate at such election shall send to the prescribed officer a return of all expenses incurred by such candidate or his agents on account of or in respect of the conduct or management of such election, vouched (except in the case of sums under twenty shillings) by bills stating the particulars and receipts, and accompanied by a declaration by a candidate made before a justice of the peace in the form set forth in the Second Schedule to this Act, or to the like effect.

(4.) After the expiration of the time for making such return and declaration, the candidate, if elected, shall not, until he has made the return and declaration (in this Act referred to as the return and declaration respecting election expenses), or until the date of the allowance of such authorised excuse, as is mentioned in this Act, sit or vote in respect of any corporate office to which he has been elected as aforesaid, and if he does so, shall forfeit fifty pounds for every day on which he so sits or votes to any person who sues for the same.

(5.) If the candidate, without such authorised excuse as is mentioned in this Act, fails to make the said return and declaration, he shall be guilty of an illegal practice, and if he knowingly makes the said declaration falsely, he shall be guilty of an offence, and on conviction thereof shall be liable to the punishment for wilful and corrupt perjury, and such offence shall also be deemed to be a corrupt practice within the meaning of this Act.

(6.) The election court for the county in which the election was held, may, on application either of the candidate or a creditor, allow any claim to be sent in and any expenses to be paid after the time limited by this section, and a return of any sum so paid shall forthwith after payment be sent to the prescribed officer.

(7.) If the candidate applies to the election court, and shows that the failure to make the said return and declaration, or either of them, or any error or false statement therein, has arisen by reason of his illness or absence, or of the absence, death, illness, or misconduct of any agent, clerk, or officer, or by reason of inadvertence,

or of any reasonable cause of a like nature, and not by reason of any want of good faith on the part of the applicant, the court may, after such notice of the application and on production of such evidence of the grounds stated in the application, and of the good faith of the applicant, and otherwise as to the court seems fit, make such order for allowing the authorised excuse for the failure to make such return and declaration, or for an error or false statement in such return or declaration as to the court seems just.

(8.) The order may make the allowance conditional upon compliance with such terms as to the court seem calculated for carrying into effect the objects of this Act, and the order shall relieve the applicant from any liability or consequences under this Act in respect of the matters excused by the order.

(9.) The date of the order, or if the conditions and terms are to be complied with, the date at which the applicant fully complies with them, is referred to in this Act as the date of the allowance of the excuse.

(10.) The return and declaration sent in pursuance of this Act to the prescribed officer shall be kept at his office, and shall at all reasonable times during the twelve months next after they are received by him be open to inspection by any person on payment of the fee of one shilling, and the prescribed officer shall, on demand, furnish copies thereof or of any part thereof at the price of twopence for every seventy-two words.

(11.) After the expiration of the said twelve months the prescribed officer may cause the return and declaration to be destroyed, or if the candidate so require shall return the same to him.

*Disqualification of Electors.*

**Prohibition of persons guilty of offences from voting.**

**26.** Every person guilty of a corrupt or illegal practice or of illegal employment, payment, or hiring at an election, is prohibited from voting at such election, and if any such person votes, his vote shall be void, and shall be struck off on a scrutiny.

**Prohibition of disqualified persons from voting.**

**27.** Every person who, in consequence of conviction or of the finding of any election court under this Act or under any other Act for the time being in force relating to corrupt practices at an election for any public office, has become incapable of voting at any election, whether a parliamentary election or an election to any public office, is prohibited from voting at any such election, and his vote shall be void.

**Hearing of person before he is found guilty of corrupt or illegal practice, and incapacity of person found guilty.**

**28.**—(1.) Before a person, not being a party to an election petition nor a candidate on behalf of whom the seat is claimed by an election petition, is found by an election court to have been guilty at an election of any corrupt or illegal practice, the court shall cause notice to be given to such person, and if he appears in pursuance of the notice, shall give him an opportunity of being heard by himself, and of calling evidence in his defence.

(2.) Every person who, after the commencement of this Act, is found by an election court to have been guilty of any corrupt or

illegal practice at an election, shall, whether he obtained a certificate of indemnity or not, be subject to the same incapacity as he would be subject to if he had at the date of such election been convicted of the offence of which he is found guilty.

(3.) Where a person who is a justice of the peace is found by an election court to have been found guilty of any corrupt practice in reference to an election, whether he has obtained a certificate of indemnity or not, it shall be the duty of Her Majesty's advocate to report the case to the Lord High Chancellor of Great Britain with such evidence as may have been given of such corrupt practice, and where any such person acts as a justice of the peace by virtue of his being or having been provost or chief magistrate of a burgh or convener of a county, the Lord High Chancellor shall have the same power to remove such person from being a justice of the peace as if he was named in a commission of the peace.

(4.) Where a person who is an advocate or enrolled law agent or who belongs to any profession the admission to which is regulated by law, is found by an election court to have been guilty of any corrupt practice in reference to an election, whether such person has obtained a certificate of indemnity or not, it shall be the duty of Her Majesty's advocate to bring the matter before the tribunal having power to take cognizance of any misconduct of such person in his profession, and such tribunal may deal with such person in like manner as if such corrupt practice were misconduct by such person in his profession.

(5.) With respect to a person holding a licence or certificate under the Licensing Acts (in this section referred to as a licensed person) the following provisions shall have effect:—

(*a.*) If it appears to the election court by which any licensed person is convicted of the offence of bribery or treating that such offence was committed on his licensed premises, the court shall direct such conviction to be entered in the proper register of licences.

(*b.*) If it appears to an election court that a licensed person has knowingly suffered any bribery or treating in reference to any election to take place upon his licensed premises, such court (subject to the provisions of this Act as to a person having an opportunity of being heard by himself and producing evidence in his defence) shall find the same; and, whether such person has obtained a certificate of indemnity or not, it shall be the duty of Her Majesty's advocate to bring such finding before the licensing justices from whom or on whose certificate the licensed person obtained his licence, and such licensing justices shall cause such finding to be entered in the proper register of licences.

(*c.*) Where an entry is made in the registry of licences of any such conviction of or finding respecting any licensed person as above in this section mentioned, it shall be taken into consideration by the licensing justices in determining whether they will or will not grant to such person the renewal of his licence

or certificate, and may be a ground, if the justices think fit, for refusing such renewal.

**Omission from list of voters of persons incapacitated from voting by corrupt or illegal practices.**

**29.**—(1.) Every assessor or other person charged with the duty of making up the register of voters or list of persons entitled to vote at an election under this Act shall omit therefrom the name of every person who, though otherwise qualified to be placed thereon, has under this Act, or under the Corrupt and Illegal Practices Prevention Act, 1883, or under any other Act for the time being in force relating to a parliamentary election or an election to any corporate office, become after the commencement of this Act, by reason of conviction of a corrupt or illegal practice, or of being found guilty thereof by any election court or election commissioners, for the time being incapable of voting at an election.

(2.) For the purpose of making such omissions every such assessor or other person shall procure from the sheriff clerk of the county in which such assessor or other officer acts a list of those persons who have been convicted or found guilty of a corrupt or illegal practice at any election within the jurisdiction of the election court of such county whether a parliamentary election or an election to any corporate office as defined by this Act.

(3.) Any person so omitted from the register may claim to have his name inserted therein, and any person entitled to object to any entry in such register may object to the omission of the name of any person from such register. Such claims and objections shall be sent in within the same time and be dealt with in like manner, and any such objections shall be served on the person referred to therein in like manner, as nearly as circumstances admit, as other claims and objections under the enactments relating to the registration of voters.

(4.) The revising authority shall determine such claims and objections and shall revise such register in like manner, as nearly as circumstances admit, as in the case of other claims and objections.

(5.) Where it appears to the revising authority that a person named in the register has been convicted of a corrupt and illegal practice, or has been found incapable of voting at an election, he shall (whether an objection to the insertion of such name in the list has or has not been made), but after giving such person an opportunity of making a statement to show cause to the contrary, expunge his name from the register.

(6.) A revising authority in acting under this section shall determine only whether a person is incapacitated by conviction or by the finding of any election court, and shall not determine whether a person has or has not been guilty of any corrupt or illegal practice.

(7.) Any assessor or other officer who fails to comply with the provisions of this section shall for every such offence be liable to a fine not exceeding one hundred pounds, recoverable by action.

(8.) An action under this section shall not lie after three months from the date of the offence. A moiety of every fine recovered therein shall, after payment of the expenses of action, be paid to the pursuer.

*Election Petitions.*

Power to question election by petition.

**30.**—(1.) An election may be questioned by an election petition on the ground—

(*a.*) That the election was wholly avoided by general bribery, treating, undue influence, or personation; or,

(*b.*) That the election was avoided by corrupt or illegal practices; or,

(*c.*) That the person whose election is questioned was at the time of the election disqualified; or

(*d.*) That he was not duly elected by a majority of lawful votes.

(2.) An election shall not be questioned on any of those grounds by way of reduction or suspension, or by any form of proceeding except by an election petition.

Presentation of petition.

**31.**—(1.) An election petition may be presented either by four or more persons who voted or had a right to vote at the election, or by a person alleging himself to have been a candidate at the election.

(2.) Any person whose election is questioned by the petition, and any returning officer of whose conduct a petition complains, may be made a respondent to the petition.

(3.) The petition shall be in the prescribed form and shall be signed by the petitioner or petitioners, and shall be presented in the prescribed manner to the sheriff of the county in which the election has taken place.

(4.) Where an electoral area is situate in more than one county, the election shall be held to have taken place in the county to which the larger part of such electoral area belongs.

Time for presentation of petition.

**32.**—(1.) An election petition shall be presented within twenty-one days after the day on which the election was held, except that—

(*a.*) If it complains of the election on the ground of a corrupt practice, and specifically alleges that a payment of money or other reward has been made or promised since the election by a person elected at the election, or on his account or with his privity, in pursuance or furtherance of such corrupt practice, it may be presented at any time within twenty-eight days after the date of the alleged payment or promise, whether or not any other petition against that person has been previously presented or tried;

(*b.*) If it complains of the election on the ground of an illegal practice, it may be presented at any time before the expiration of fourteen days after the day on which the prescribed officer receives the return and declaration respecting election expenses by the candidate to whose election the petition relates, or where there is an authorised excuse for failing to make the return and declaration, then within the like time after the date of the allowance of the excuse;

(*c.*) If it complains of the election on the ground of an illegal practice, and specifically alleges a payment of money or other

act made or done since the election by the candidate elected at such election, or by an agent of the candidate, or with the privity of the candidate, in pursuance or in furtherance of such illegal practice, it may be presented at any time within twenty-eight days after the date of such payment or act, whether or not any other petition against that person has been previously presented or tried.

(2.) Any election petition presented within the time first limited by this section may, for the purpose of complaining of the election upon an allegation of an illegal practice, be amended with the leave of the election court within the time within which a petition complaining of the election on the ground of that illegal practice can, under this section, be presented.

(3.) The provisions of this section respecting the time for presenting or amending an election petition on the ground of an illegal practice shall apply notwithstanding that the illegal practice is also a corrupt practice.

**Security for costs.**

**33.**—(1.) At the time of presenting an election petition, or within three days afterwards, the petitioner shall give security for all charges and expenses which may become payable by him to any witness summoned on his behalf, or to any respondent.

(2.) The security shall be to such amount, not exceeding five hundred pounds, as the election court directs, and shall be given in the prescribed manner, either by a deposit of money, or by finding caution, or partly in one way and partly in the other.

(3.) Within five days after the presentation of the petition the petitioner shall, in the prescribed manner, serve on the respondent a notice of the presentation of the petition, and of the nature of the proposed security, and a copy of the petition.

(4.) Within five days after the service of the notice the respondent may object in writing to any bond of caution on the ground that any cautioner is insufficient or is dead, or cannot be found or ascertained for want of a sufficient description in the bond, or that the bond has not been duly executed by any cautioner.

(5.) An objection to a bond shall be decided in the prescribed manner.

(6.) If the objection is allowed, the petitioner may, within a further prescribed time not exceeding five days, remove it by a deposit in the prescribed manner of such sum of money as will, in the opinion of the court or officer having cognizance of the matter make the security sufficient.

(7.) If no security is given, as prescribed, or any objection is allowed, and is not removed as aforesaid, no further proceedings shall be had on the petition.

**Procedure where several respondents or petitions.**

**34.**—(1.) Two or more candidates may be made respondents to the same petition, and their cases may be tried at the same time, but for the purposes of this Act the petition shall be deemed to be a separate petition against each respondent.

(2.) Where more petitions than one are presented relating to the same election they shall be tried together.

Constitution of election court.

**35.**—(1.) An election petition and all proceedings incidental to and consequent thereon, except as herein-after provided, shall be tried by the sheriff (excluding sheriff substitute) of the county within which the challenged election took place.

(2.) The election court shall for the purposes of the trial have the same powers and privileges as a judge on the trial of a parliamentary election petition, except that any fine or order of committal by the court may, on summary application by the person aggrieved, be discharged or varied by either of the divisions of the Court of Session, or in vacation by the Lord Ordinary on the bills, on such terms, if any, as the Court of Session or Lord Ordinary on the bills may think fit.

(3.) Any proceeding incidental to or consequent upon an election or election petition, under sections twenty five, thirty-two, thirty-three, thirty-nine, and forty of this Act may be heard and disposed of by the sheriff substitute.

Trial of election petition.

**36.**—(1.) An election petition shall be tried in open court, and notice of the time and place of trial shall be given in the prescribed manner not less than seven days before the day of trial.

(2.) The place of trial shall be within the sheriff court, except that the election court may, on being satisfied that special circumstances exist rendering it desirable that the petition should be tried elsewhere, appoint some other convenient place within the sheriffdom for trial.

(3.) The trial of every election petition shall, so far as is practicable consistently with the interests of justice in respect of such trial, be continued de die in diem on every lawful day until its conclusion.

(4.) Subject as aforesaid, the election court may, in its discretion adjourn the trial from time to time and from any one place to any other place within the sheriffdom.

(5.) At the conclusion of the trial the election court shall determine whether the person whose election is complained of, or any and what other person was duly elected, or whether the election was void; and the determination shall be final to all intents as to the matters at issue on the petition.

(6.) Where a charge is made in a petition of any corrupt or illegal practice having been committed at the election, the court shall determine as follows:

(*a.*) Whether any corrupt practice has or has not been proved to have been committed by or with the knowledge and consent of any candidate at the election, and the nature of the corrupt practice;

(*b.*) Whether any of the candidates at the election has been guilty by his agents of any corrupt practice in reference to such election;

(*c.*) The names of all persons, if any, proved at the trial to have been guilty of any corrupt practice;

(*d.*) Whether any corrupt practices have, or whether there is reason to believe that any corrupt practices have, extensively prevailed at the election;

(*e.*) Whether any of the candidates at the election has been guilty, by himself or his agents, of an illegal practice in reference to such election;

(*f.*) Whether illegal practices or the offences of illegal payment, employment, or hiring, committed in reference to the election for the purpose of promoting the election of a candidate at such election, have, or have not, so extensively prevailed that they may be reasonably supposed to have affected the result of such election.

(7.) If, on the application of any party to a petition made in the prescribed manner, it appears to the election court that the case raised by the petition can be conveniently stated as a special case, the said court may direct the same to be stated accordingly, and any such special case shall be heard before the Court of Session, and the decision of the Court of Session shall be final.

(8.) If it appears to the election court on the trial of a petition that any question of law requires consideration by the Court of Session, the election court may reserve any such question, and submit the same to the Court of Session, who may make such order for the discussion of the question as they think expedient and thereafter decide the same.

(9.) On the trial of a petition, unless the election court otherwise directs, any charge of a corrupt practice may be gone into, and evidence in relation thereto received before any proof has been given of agency on behalf of any candidate in respect of the corrupt practice or offence.

(10.) On the trial of a petition complaining of an undue election and claiming the office for some person, the respondent may give evidence to prove that that person was not duly elected, in the same manner as if he had presented a petition against the election of that person.

(11.) The trial of a petition shall be proceeded with notwithstanding that the respondent has ceased to hold the office his election to which is questioned by the petition.

(12.) A shorthand writer shall attend at the trial of an election petition, and shall be sworn by the election court faithfully and truly to take down the evidence given at the trial. He shall take down the evidence at length.

Witnesses.

**37.**—(1.) On the trial of an election petition the election court may, by order in writing, require any person who appears to the court to have been concerned in the election to attend as a witness, and any person refusing to obey the order shall be guilty of contempt of court.

(2.) The court may examine any person so required to attend, or being in court, although he is not called and examined by any party to the petition.

(3.) A witness may, after his examination by the court, be cross-examined by or on behalf of the petitioner and respondent, or either of them.

(4.) The reasonable expenses incurred by any person in appearing to give evidence at the trial of an election petition, according

to the scale allowed to witnesses in a civil cause, may be allowed to him by a certificate of the election court or of the prescribed officer.

Withdrawal of petition.

**38.**—(1.) A petitioner shall not withdraw an election petition without the leave of the election court on special application, made in the prescribed manner, and at a prescribed time and place.

(2.) The application shall not be made until the prescribed notice of the intention to make it has been given.

(3.) On the hearing of the application any person who might have been a petitioner in respect of the election may apply to the court to be substituted as a petitioner, and the court may, if it thinks fit, substitute him accordingly.

(4.) Before leave for the withdrawal of an election petition is granted, there shall be produced affidavits by all the parties to the petition and their agents, but the court may, on cause shown, dispense with the affidavit of any particular person if it seems to the court on special grounds to be just to do so.

(5.) Each affidavit shall state that, to the best of the deponent's knowledge and belief, no agreement or terms of any kind whatsoever has or have been made, and no undertaking has been entered into in relation to the withdrawal of the petition; but if any lawful agreement has been made with respect to the withdrawal of the petition, the affidavit shall set forth that agreement, and shall make the foregoing statement subject to what appears from the affidavit.

(6.) The affidavits of the applicant and his agents shall further state the ground on which the petition is sought to be withdrawn.

(7.) If any person makes any agreement, or terms, or enters into any undertaking in relation to the withdrawal of an election petition, and such agreement, terms, or undertaking is or are for the withdrawal of the election petition in consideration of any payment, or in consideration that the seat shall at any time be vacated, or in consideration of the withdrawal of any other election petition, or is or are (whether lawful or unlawful) not mentioned in the aforesaid affidavits, he shall be guilty of a crime and offence; and shall be liable on conviction on indictment to imprisonment for a term not exceeding twelve months, and to a fine not exceeding two hundred pounds.

(8.) Copies of the said affidavits shall be delivered to Her Majesty's advocate a reasonable time before the application for the withdrawal is heard, and the court may hear Her Majesty's advocate or one of his deputes or the procurator fiscal in opposition to the allowance of the withdrawal of the petition, and shall have power to receive the evidence on oath of any person or persons whose evidence Her Majesty's advocate, or his depute, or the procurator fiscal may consider material.

(9.) If in the opinion of the court the proposed withdrawal is induced by any corrupt bargain or consideration, or is the result of any agreement, terms, or undertaking prohibited by this section, the court may by order direct that the security given on behalf of

the original petitioner shall remain as security for any expenses that may be incurred by the substituted petitioner, and that to the extent of the sum named in the security the original petitioner and his sureties shall be liable to pay the expenses of the substituted petitioner.

(10.) If the court does not so direct, then security to the same amount as would be required in the case of a new petition, and subject to the like conditions, shall be given on behalf of the substituted petitioner before he proceeds with his petition and within the prescribed time after the order of substitution.

(11.) Subject as aforesaid, a substituted petitioner shall, as nearly as may be, stand in the same position and be subject to the same liabilities as the original petitioner.

(12.) If a petition is withdrawn, the petitioner shall be liable to pay the expenses of the respondent.

(13.) Where there are more petitioners than one, an application to withdraw a petition shall not be made except with the consent of all the petitioners.

(14.) Where more than one agent is concerned for the petitioner or respondent, whether as agent for another agent or otherwise, the affidavit shall be made by all such agents.

**Abatement of petition.**

**39.**—(1.) An election petition shall be abated by the death of a sole petitioner or of the survivor of several petitioners.

(2.) The abatement of a petition shall not affect the liability of the petitioner or of any other person to the payment of costs previously incurred.

(3.) On the abatement of a petition the prescribed notice thereof shall be given, and within the prescribed time after the notice is given, any person who might have been a petitioner in respect of the election may apply to the election court in the prescribed manner and at the prescribed time and place to be substituted as a petitioner; and the court may, if it thinks fit, substitute him accordingly.

(4.) Security shall be given on behalf of a petitioner so substituted, as in the case of a new petition.

**Withdrawal and substitution of respondents.**

**40.**—(1.) If before the trial of an election petition a respondent other than a returning officer—

(*a.*) Dies, resigns, or otherwise ceases to hold the office to which the petition relates; or

(*b.*) Gives the prescribed notice that he does not intend to oppose the petition;

the prescribed notice thereof shall be given, and within the prescribed time after the notice is given, any person who might have been a petitioner in respect of the election may apply to the election court to be admitted as a respondent to oppose the petition, and shall be admitted accordingly, except that the number of persons so admitted shall not exceed three.

(2.) A respondent who has given the prescribed notice that he does not intend to oppose the petition shall not be allowed to appear or act as a party against the petition in any proceedings thereon.

Attendance of advocate depute or procurator fiscal on trial of election petition, and prosecution of offenders.

**41.**—(1.) At the trial of every election petition Her Majesty's advocate shall be represented by one of his deputes or by the procurator fiscal of the sheriff court of the district.

(2.) If the election court shall grant a warrant for the apprehension, commitment, or citation of any person suspected of being guilty of a corrupt or illegal practice, the case shall be reported to Her Majesty's advocate in order that such person may be brought to trial as he may direct.

(3.) All offences under this Act shall be prosecuted under the directions of Her Majesty's advocate, and all prosecutions directed to be tried in the sheriff court shall be tried by the sheriff (excluding sheriff substitute).

Expenses of election petitions.

**42.**—(1.) All charges and expenses of and incidental to the presentation of an election petition, and the proceedings consequent thereon, shall be defrayed by the parties to the petition in such manner and proportion as the election court determines, and in particular any charges or expenses which, in the opinion of the court, have been caused by vexatious conduct, unfounded allegations, or unfounded objections on the part either of the petitioner or of the respondent, and any needless expense incurred or caused on the part of petitioner or respondent, may be ordered to be defrayed by the parties by whom it has been incurred or caused, whether they are or are not on the whole successful.

(2.) If a petitioner neglects or refuses for three months after demand to pay to any person summoned as a witness on his behalf, or to the respondent, any sum certified to be due to him for his charges and expenses, and the neglect or refusal is, within one year after the demand, proved to the satisfaction of the election court, the prescribed officer shall thereon certify that the conditions contained in the bond of caution have not been fulfilled, and it shall then be competent for the party or parties interested to register the said bond and do diligence upon it.

(3.) Where, upon the trial of an election petition, it appears to the election court that a corrupt practice has not been proved to have been committed in reference to the election by or with the knowledge and consent of the respondent to the petition, and that such respondent took all reasonable means to prevent corrupt practices being committed on his behalf, the court may make one or more orders with respect to the payment either of the whole or such part of the expenses of the petition as the court may think right, as follows:

(*a.*) if it appears to the court that corrupt practices extensively prevailed in reference to the said election, the court may order the whole or part of the expenses to be paid by the county, burgh, school board, or parochial board, as the case may be; and

(*b.*) if it appears to the court that any person or persons is or are proved, whether by providing money or otherwise, to have been extensively engaged in corrupt practices, or to have encouraged or promoted extensive corrupt practices, in reference to such election, the court may, after giving such person or persons

an opportunity of being heard by counsel or agent, and of examining and cross-examining witnesses, to show cause why the order should not be made, order the whole or part of the expenses to be paid by that person, or those persons, or any of them, and may order that if the expenses cannot be recovered from one or more of such persons they shall be paid by some other of such persons or by either of the parties to the petition.

(4.) Where any person appears to the court to have been guilty of the offence of a corrupt or illegal practice, the court may, after giving such person an opportunity of making a statement to show why the order should not be made, order the whole or any part of the expenses of or incidental to any proceeding before the court in relation to the said offence or to the said person to be paid by the said person to such person or persons as the court may direct.

(5.) Where any expenses of a petition are, under an order of an election court, to be paid by a county, burgh, school board, or parochial board, such expenses shall be paid out of the general purposes rate, registration of voters assessment, or police assessment, school rate, or poor-rate, as the case may be. Provided that where the police assessment which can be levied in any burgh is limited, an addition to that assessment may be levied for the purpose of raising the sum required to pay such expenses.

(6.) Where any expenses or other sums are, under the order of an election court, or otherwise under this Act, to be paid by any person, those expenses shall be a debt due from such person to the person or persons to whom they are to be paid, and may be recovered accordingly.

(7.) The expenses of petitions and other proceedings under this Act shall, subject to any regulations which the Court of Session may make by Act of Sederunt, be taxed as nearly as possible according to the same principles as expenses between agent and client are taxed in a cause in the sheriff court.

**Payment of travelling expenses, &c. of sheriff.**

**43.** The travelling and other expenses of the sheriff incurred by him in the execution of his duties under this Act shall be paid by the county, burgh, school board or parochial board, as the case may be, out of the same rate or assessment as is specified in subsection five of section forty-two hereof; provided always that the election court may order repayment of such expenses to the county, burgh, school board or parochial board by the parties to the petition, or any of them, in such proportion as shall to the court seem proper, and upon such order being pronounced the sums due shall form a debt due from such parties respectively and may be recovered accordingly.

**Acts done pending a petition not invalidated.**

**44.** Where a candidate who has been elected to a corporate office, or who may hold any office in consequence of being elected to a corporate office is, by a decision of the Court of Session or an election court, declared not to have been duly elected, acts done by him in execution of such office, and acts done by any council or board to which he may have been elected, before the time when the

decision is pronounced, shall not be invalidated by reason of that declaration.

Provisions as to elections in the room of persons unseated on petition.

**45.** Where on an election petition the election of any person to a corporate office has been declared void, and no other person has been declared elected in his room, a new election shall be held to supply the vacancy in the same manner as on a casual vacancy, and for the purposes of the election any duties to be performed by such person shall, if he has been declared not elected, be performed by a deputy, or other person who might have acted for him if he had been incapacitated by illness.

Prohibition of disclosure of vote.

**46.** A person who has voted at an election by ballot shall not in any proceeding to question the election be required to state for whom he has voted.

*Miscellaneous.*

Rules of procedure and jurisdiction.

**47.**—(1.) The Court of Session may from time to time by Act of Sederunt make, revoke, and alter general rules for the effectual execution of this Act, and of the intention and object thereof, and the regulation of the practice, procedure, and expenses of election petitions, and the trial thereof.

(2.) Subject to the provisions of this Act, and of the rules made under it, the principles, practice, and rules for the time being observed in the case of parliamentary election petitions, and in particular the principles and rules with regard to agency and evidence, and to a scrutiny, and to the declaring any person elected in the room of any other person declared to have been not duly elected, shall be observed, as far as may be, in the case of election petitions under this Act.

Person incapacitated by conviction to vacate seat or office.

**48.** If any person, in consequence of conviction, under this Act, becomes not capable of being elected to or sitting in the House of Commons, or of being elected to or holding any public or judicial office, and such person, at the date of the said conviction has been so elected or holds any such office, then his seat or office, as the case may be, shall be vacated as from that date.

General provisions as to prosecution of offences under this Act.

**49.** Subject to the other provisions of this Act, the procedure for the prosecution of a corrupt or illegal practice or any illegal payment, employment, or hiring committed in reference to an election, and the removal of any incapacity incurred by reason of a conviction for any such offence, and the duties of Her Majesty's advocate in relation to any such offence, and all other proceedings in relation thereto (including the grant to a witness of a certificate of indemnity), shall be the same as if such offence had been committed in reference to a parliamentary election: Provided that the giving or refusal to give a certificate of indemnity to a witness by an election court shall be final and conclusive.

Service of notices.

**50.** Where any summons, notice, or document is required to be served on any person with reference to any proceeding respecting an election, whether for the purpose of causing him to appear before the election court, or otherwise, or for the purpose of giving him an opportunity of making a statement, or showing cause, or

being heard by himself, before any such court, for any purpose of this Act, such summons, notice, or document may be served either by delivering the same to such person, or by leaving the same at, or sending the same by post by a registered letter to, his last known place of abode, or, if the proceeding is before any other court, in such other manner as the court may direct, and in proving such service by post it shall be sufficient to prove that the letter was prepaid, properly addressed, and registered with the post office.

**51.** For the purposes of this Act the number of electors shall be taken according to the enumeration of the electors in the register. **Number of electors, how to be ascertained.**

*Application of Act to other Elections.*

**52.**—(1.) When the poll at any election under this Act is taken by means of voting papers, such of the said provisions as relate to personation, polling agents, disclosure of votes and conveyance of voters, shall not apply, but every person who at any such election— **Application of this Act to other elections.**

Fabricates, in whole or in part, or alters, defaces, destroys, abstracts, or purloins any voting paper; or

Personates any person entitled to vote at any such election; or

Falsely assumes to act in the name or on the behalf of any person so entitled to vote; or

Interferes with the delivery or collection of any voting papers; or

Delivers any voting paper under a false pretence of being lawfully authorised to do so,

shall be liable on summary conviction to a penalty not exceeding twenty pounds, or, in the discretion of the court, to imprisonment with or without hard labour for any period not exceeding three months, and shall be deemed to have committed an illegal practice within the meaning of the said provisions;

(2.) The sheriff shall have the same power as heretofore under section twenty-seven of the Poor Law Amendment Act, 1845, to determine any dispute which may arise as to the validity of the election of a person as a member of a parochial board, except that the sheriff shall not have power— **8 & 9 Vict. c. 83.**

(A.) To determine until after the expiration of twenty-one days after the election of a person as a member of a parochial board, any question which can be determined upon an election petition under this section; nor

(B.) To determine any question which is raised by an election petition under this section, and is either awaiting decision or has been decided by an election court; nor

(C.) To determine any question of general corruption, or of any corrupt or illegal practice, except so far as appears to him necessary for determining the validity of any vote.

*Repeal.*

**53.** The Act of the session of the sixteenth and seventeenth years of the reign of Queen Victoria, chapter twenty-six, and the fourteenth section of the Education (Scotland) Act, 1872 are hereby repealed. **Repeal.** **35 & 36 Vict. c. 62.**

*Commencement and Extent of Act.*

Commencement of Act.

**54.** This Act shall come into operation on the first day of October one thousand eight hundred and ninety, which day is in this Act referred to as the commencement of this Act.

Extent of Act.

**55.** This Act shall apply to Scotland only.

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# SCHEDULES.

Section 2.

## FIRST SCHEDULE.

### PART I.

*Enactments defining Corrupt Practices. Enactments defining the Offence of Bribery.*

The Corrupt Practices Prevention Act, 1854, 17 & 18 Vict. c. 102., sections 2 and 3.

Bribery defined.

Section II.—The following persons shall be deemed guilty of bribery, and shall be punishable accordingly:—

(1.) Every person who shall, directly or indirectly, by himself or by any other person on his behalf, give, lend, or agree to give or lend, or shall offer, promise, or promise to procure or to endeavour to procure, any money or valuable consideration to or for any voter, or to or for any person on behalf of any voter, or to or for any other person in order to induce any voter to vote, or refrain from voting, or shall corruptly do any such act as aforesaid, on account of such voter having voted or refrained from voting at any election:

(2.) Every person who shall, directly or indirectly, by himself or by any other person on his behalf, give or procure, or agree to give or procure, or offer, promise, or promise to procure or to endeavour to procure, any office, place, or employment to or for any voter, or to or for any person on behalf of any voter, or to or for any other person, in order to induce such voter to vote or refrain from voting, or shall corruptly do any such act as aforesaid, on account of any voter having voted or refrained from voting at any election:

(3.) Every person who shall, directly or indirectly, by himself or by any other person on his behalf, make any such gift, loan, offer, promise, procurement, or agreement as aforesaid, to or for any person, in order to induce such person to procure or endeavour to procure the return of any person to serve in Parliament, or the vote of any voter at any election:

(4.) Every person who shall upon, or in consequence of any such gift, loan, offer, promise, procurement, or agreement, procure or engage, promise, or endeavour to procure the return of any person to serve in Parliament, or the vote of any voter at any election;

(5.) Every person who shall advance or pay or cause to be paid any money to or for the use of any other person, with the intent that such money or any part thereof shall be expended in bribery at any election, or who shall knowingly pay or cause to be paid any money to any person in discharge or repayment of any money wholly or in part expended in bribery at any election: Provided always, that the aforesaid enactment shall not extend or be construed to extend to any money paid or agreed to be paid for on account of any legal expenses bonâ fide incurred at or concerning any election.

Section III.—The following persons shall also be deemed guilty of bribery, and it shall be punishable accordingly:— Bribery further defined.

(1.) Every voter who shall before or during any election, directly or indirectly, by himself or by any other person on his behalf, receive, agree, or contract for any money, gift, loan, or valuable consideration, office, place or employment, for himself, or for any other person, for voting or agreeing to vote, or for refraining or agreeing to refrain from voting at any election:

(2.) Every person who shall, after any election, directly or indirectly, by himself or by any other person on his behalf, receive any money or valuable consideration on account of any person having voted or refrained from voting, or having induced any other person to vote or refrain from voting at any election.

The Representation of the People (Scotland) Act, 1868, 31 & 32 Vict. c. 4. section 49.

Section 49. Any person, either directly or indirectly, corruptly paying any rate on behalf of any ratepayer for the purpose of enabling him to be registered as a voter, thereby to influence his vote at any future election, and any candidate or other person, either directly or indirectly, paying any rate on behalf of any voter for the purpose of inducing him to vote or refrain from voting shall be guilty of bribery, and be punishable accordingly; and any person on whose behalf and with whose privity any such payment as in this section mentioned is made shall also be guilty of bribery, and punishable accordingly. Corrupt payment of rates to be punishable as bribery.

## *Enactment defining the Offence of Personation.*

The Ballot Act, 1872, 35 & 36 Vict. c. 33. section 24.

Section 24. A person shall for all purposes of the laws relating to parliamentary and municipal elections be deemed to be guilty of the offence of personation who at an election for a county or borough, or at a municipal election, applies for a ballot paper in the name of some other person, whether that name be that of a person living or dead, or of a fictitious person, or who having voted once at any such election applies at the same election for a ballot paper in his own name. Definition of personation.

## *Enactments defining the Offences of Treating and Undue Influence.*

The Corrupt and Illegal Practices Prevention Act, 1883, 46 & 47 Vict. c. 51. sections 1 and 2.

Section 1.—(1.) Any person who corruptly, by himself or by any other person, either before, during, or after an election, directly or indirectly gives or provides, or pays wholly or in part the expense of giving or providing any meat, drink, entertainment, or provision to or for any person for the purpose of corruptly influencing that person or any other person to give or refrain from giving his vote at the election, or on account of such person or any other person having voted or refrained from voting, or being about to vote or refrain from voting at such election, shall be guilty of treating. What is treating.

(2.) And every elector who corruptly accepts or takes any such meat, drink, entertainment, or provision shall also be guilty of treating.

Section 2. Every person who shall, directly or indirectly, by himself or by any other person on his behalf, make use of or threaten to make use of any force, violence, or restraint, or inflict or threaten to inflict, by himself What is undue influence.

or by any other person, any temporal or spiritual injury, damage, harm, or loss upon or against any person in order to induce or compel such person to vote or refrain from voting, or on account of such person having voted or refrained from voting at any election, or who shall, by abduction, duress, or any fraudulent device or contrivance, impede or prevent the free exercise of the franchise of any elector, or shall thereby compel, induce, or prevail upon any elector either to give or to refrain from giving his vote at any election, shall be guilty of undue influence.

Section 25.

## SECOND SCHEDULE.

### FORM OF DECLARATION BY CANDIDATE AS TO EXPENSES.

I , having been a candidate at the election of for the of , on the day of do hereby solemnly and sincerely declare that I [and my agents] have paid for my expenses at the said election, and that except as aforesaid, I have not, and to the best of my knowledge and belief, no person, nor any club, society, or association has, on my behalf, made any payment or given, promised, or offered any reward, office, employment, or valuable consideration, or incurred any liability on account of or in respect of the conduct or management of the said election.

And I further solemnly and sincerely declare that, except as aforesaid, no money, security, or equivalent for money has, to my knowledge or belief, been paid, advanced, given, or deposited by anyone to or in the hands of myself or any other person for the purpose of defraying any expenses incurred on my behalf on account of or in respect of the conduct or management of the said election.

And I further solemnly and sincerely declare that I will not at any future time make or be a party to the making or giving of any payment, reward, office, employment, or valuable consideration for the purpose of defraying any such expenses as last mentioned, or provide or be a party to the providing of any money, security, or equivalent for money for the purpose of defraying any such expenses.

Signature of declarant *C.D.*

Signed and declared by the above-named declarant on the day of , before me.

(Signed) *E.F.*
Justice of the Peace for

# CHAPTER 56.

## An Act to further amend the Customs Consolidation Act, 1876. [18th August 1890.]

WHEREAS it is right and expedient that the law as to the forfeiture of ships or boats for offences against the Customs Acts as provided in section one hundred and seventy-nine of the Customs Consolidation Act, 1876, shall be modified as herein-after provided:

39 & 40 Vict. c. 36.

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

**1.** No ship or boat shall be liable to forfeiture under the said section for having or having had on board, or in any manner attached thereto, or conveying or having conveyed, any goods as therein specified, or for any unlading, throwing overboard, or destruction of goods, unless such ship or boat shall be under two hundred and fifty tons burden.

No ship to be liable to forfeiture unless under two hundred and fifty tons burden.

**2.** With regard to any ship or boat of or exceeding two hundred and fifty tons burden which but for this Act would be liable to forfeiture as aforesaid, the following provisions shall apply:—

Provisions as to ship of or exceeding two hundred and fifty tons burden.

(*a.*) It shall be lawful for the Commissioners of Customs, hereinafter called "the Commissioners," subject to appeal to the Lords Commissioners of the Treasury, to have power to fine any such ship or boat in any sum not exceeding fifty pounds in any case where in their opinion a responsible officer (as herein-after defined) of such ship or boat is implicated either actually or by neglect:

(*b.*) For the purpose of enforcing such fine the Commissioners shall have power to require the deposit in the hands of the Collector of Customs at the port where such ship or boat shall be of such sum, not exceeding fifty pounds, as they may think right, pending their ultimate decision, and in default of payment of such deposit the Commissioners shall have power to detain the said ship or boat:

(*c.*) If in any case the Commissioners shall consider that the fine of fifty pounds aforesaid will not be an adequate penalty against any such ship or boat for the offence committed thereon it shall be lawful for them to take proceedings before the justices of the peace for condemnation of the said ship or boat in a sum not exceeding five hundred pounds at the discretion of such justices, or such proceedings may be taken by the Commissioners before the courts and in manner prescribed by the Customs Consolidation Act, 1876, and the Acts amending the same. And for this purpose the Commissioners may as to any ship or boat referred to in this section require the deposit in the hands of the collector as aforesaid of a sum not exceeding five hundred pounds to abide the decision of the court, and in default of payment of such deposit the Commissioners may detain such ship or boat:

(*d.*) No claim shall be made against the Commissioners for damages in respect of the payment of any deposit or the detention of any ship or boat under this section.

**3.** The expression "responsible officer" in this Act shall mean and include the master, mates, and engineers of any ship, and in the case of a ship carrying a passenger certificate the purser or chief steward, and where the ship is manned by Asiatic seamen the serang or other leading Asiatic officer. The expression "neglect" in this Act shall include cases where goods unowned by any of the crew are discovered in a place or places in which they could not reasonably have been put if the responsible officer or officers having supervision of such place or places had exercised proper care at the time of the loading of the ship or subsequently; and the expression

Definitions.

"burden" in this Act shall mean the same as it does in the Customs Consolidation Act, 1876, that is to say, "registered tonnage."

Saving of existing provision as to goods and persons on board.

4. FOR the purpose of the forfeiture under the said one hundred and seventy-ninth section of goods, packages, casks, and the like, and the detaining and dealing with persons found or discovered to have been on board any ship or boat liable to forfeiture by the said section (as amended by the Customs Consolidation Act, 1876, Amendment Act, 1887), ships or boats of or exceeding two hundred and fifty tons burden shall still be deemed, but for such purpose only, to be ships or boats liable to forfeiture by the said section.

Short title

5. This Act may be cited as the Customs Consolidation Act, 1876, Amendment Act, 1890.

## CHAPTER 57.

### An Act to amend the Law with respect to Compensation due to Tenants on Land under Mortgage.

[18th August 1890.]

46 & 47 Vict c. 61. 50 & 51 Vict. c. 26.

WHEREAS it is expedient to amend the Agricultural Holdings Act, 1883, and the Allotments and Cottage Gardens Compensation for Crops Act, 1887, in so far as they relate to the compensation paid to tenants for improvements where land is under mortgage:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Construction and short title.

1. This Act shall be construed as one with the Agricultural Holdings Act, 1883, and the Allotments and Cottage Gardens Compensation for Crops Act, 1887 (in this Act referred to as the principal Acts), and this Act may be cited as the Tenants Compensation Act, 1890

Compensation to tenants, when mortgagee in possession

2. Where a person occupies land under a contract of tenancy with the mortgagor, whether made before or after the passing of this Act, which is not binding on the mortgagee of such land, then—

(1) The occupier shall, as against the mortgagee who takes possession, be entitled to any compensation which is, or would but for the mortgagee taking possession be due to the occupier from the mortgagor as respects crops, improvements, tillages, or other matters connected with the land, whether under the principal Acts or the custom of the country, or agreements sanctioned by the principal Acts,

Provided that any sum ascertained to be due to the occupier for such compensation or for any costs connected therewith, may be set off against any rent or other sum due from him in respect of the land, and recovered as compensation under the

principal Acts, but unless so set off shall, as against the mortgagee, be charged and recovered in accordance only with section thirty-one of the Agricultural Holdings Act, 1883, as if the mortgagee were the landlord within the meaning of that section.

(2.) Before the mortgagee deprives the occupier of possession of the land otherwise than in accordance with the said contract, he shall give to the occupier six months' notice in writing of his intention so to deprive him, and if he so deprives him compensation shall be due to the occupier for his crops, and for any expenditure upon the land which he has made in the expectation of holding the land for the full term of his contract of tenancy, in so far as any improvement resulting therefrom is not exhausted at the time of his being so deprived, and such compensation shall be determined in like manner as compensation under the principal Acts, and shall be set off, charged, and recovered in manner before provided in this section. This sub-section shall only apply where the said contract is for a tenancy from year to year, or for a term of years not exceeding twenty-one, at a rack-rent.

51 & 52 Vict. c. 51. to apply to compensation under 46 & 47 Vict. c. 61. s. 31.

**3.** Where compensation for improvements comprised in Part One or Part Two of the First Schedule to the Agricultural Holdings (England) Act, 1883, is charged by an order under section thirty-one of that Act, the charge shall be a land charge within the meaning of the Land Charges Registration and Searches Act, 1888, and shall be registered accordingly.

Exception of tithe rentcharge. 6 & 7 Will. 4. c. 71.

**4.** This Act shall not apply to provisions for the payment of tithe rentcharge arising under the Tithe Commutation Act, and subsequent Acts relating thereto.

Extent of Act.

**5.** This Act shall not apply to Scotland or Ireland.

# CHAPTER 58.

## An Act to make better provision for the payment of Clerks of Unions and Collectors of Poor Rates for services in carrying into effect the Acts relating to the Registration of Parliamentary Voters in Ireland.

[18th August 1890.]

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Payment of union officers according to fixed scale.

**1.**—(1.) The clerks and collectors of poor rates of the several poor law unions in Ireland shall be paid for their services and for expenses incurred by them in execution of the duties required to be discharged by them respectively in carrying into effect the provisions of the Representation of the People Acts as that expression is defined

48 Vict. c. 3. in section eight of the Representation of the People Act, 1884, for which payment is not provided by the said Acts.

(2.) The Local Government Board for Ireland may from time to time make orders, and, when made, revoke, alter, or amend the same, and make new orders instead of any orders revoked, fixing a scale according to which the payment for such services and expenses shall be made.

(3.) In fixing such scale regard shall be had to the various duties which are required to be performed by such clerks and collectors respectively under the said Acts with respect to the preparation of the voters lists for the revision, and to their attendance at the revision courts, and to the distances which it may be necessary for them to travel for such purposes respectively.

(4.) All sums which shall become payable to any such clerk or collector, according to the scale in force for the time being, shall be paid to him by the board of guardians of the union within a reasonable time in each year after the close of the sittings of the revision court for the parliamentary borough or county, or division of a county, as the case may be, in which the poor law union is situated, out of any funds applicable to the general purposes of the union, and shall be paid to such person in addition to any salary or remuneration payable to him for the discharge of any other duties besides those required by the said Acts, but, as regards the year one thousand eight hundred and ninety, after deducting all sums paid to any such clerk or collector by any board of guardians as a compensation for the duties mentioned in sub-section one of this section discharged during the year ending the thirty-first day of December one thousand eight hundred and ninety, and after that date no payment in respect of such duties shall be made in any year to any clerk or collector except under the scale to be fixed in pursuance of this Act.

Short title. **2.** This Act may be cited as the Parliamentary Registration Expenses (Ireland) Act, 1890.

# CHAPTER 59.

## An Act to amend the Public Health Acts.

[18th August 1890.]

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

### PART I.—GENERAL.

Division of Act into parts. **1.** This Act is divided into parts as follows:—

Part I.—General.

Part II.—Telegraph, &c. wires.

Part III.—Sanitary and other provisions.
Part IV.—Music and dancing.
Part V.—Stock.

**Short title, construction, and extent of Act.**

**2.**—(1.) This Act shall be construed as one with the Public Health Acts.

(2.) Part One of this Act shall extend to England and Wales and Ireland, exclusive of the administrative county of London. Parts Two, Three, Four, and Five, shall extend to any district in which they are respectively adopted under the provisions of this Act.

(3.) This Act may be cited as the Public Health Acts Amendment Act, 1890, and this Act and the Public Health Acts may be cited together as the Public Health Acts.

**Adoption of Act by local authorities.**

**3.** The following provisions shall have effect with regard to the adoption of the parts of this Act, which are adoptive, by local authorities:—

(1.) An urban authority may adopt all or any of such parts.

(2.) A rural authority may adopt Part Three so far as it is declared by this Act to be applicable to such authority, without prejudice to the provisions of this Act relating to the investing of rural authorities with urban powers.

(3.) The adoption shall be by a resolution passed at a meeting of the local authority; and one calendar month at least before such meeting special notice of the meeting and of the intention to propose such resolution shall be given to every member of the authority, and the notice shall be deemed to have been duly given to a member of it, if it is either—

(*a.*) Given in the mode in which notices to attend meetings of the authority are usually given; or

(*b.*) Where there is no such mode, then signed by the clerk of the authority, and delivered to the member or left at his usual or last known place of abode in England, or forwarded by post in a prepaid letter, addressed to the member at his usual or last known place of abode in England.

(4.) Such resolution shall be published by advertisement in some one or more newspapers circulating within the district of the authority and by causing notice thereof to be affixed to the principal doors of every church and chapel in the place to which notices are usually fixed, and otherwise in such manner as the authority think sufficient for giving notice thereof to all persons interested, and shall come into operation at such time not less than one month after the first publication of the advertisement of the resolution as the authority may by the resolution fix, and upon its coming into operation such parts of the Act as are adopted shall extend to that district.

(5.) A copy of the resolution shall be sent—

(*a.*) Where any part of the Act is adopted, to the Local Government Board;

(*b.*) Where Part Two is adopted, to the Board of Trade;

(*c.*) Where Part Four is adopted, to a Secretary of State.

(6.) A copy of the advertisement shall be conclusive evidence of the resolution having been passed, unless the contrary be shown; and no objection to the effect of the resolution, on the ground that notice of the intention to propose the same was not duly given, or on the ground that the resolution was not sufficiently published, shall be made after three months from the date of the first publication of the advertisement.

Expenses of local authority.

4. All expenses incurred or payable by a local authority in the execution of this Act, and not otherwise provided for, may be charged and defrayed in the case of an urban authority as part of the expenses incurred by them in the execution of the Public Health Acts, and in the case of a rural authority as part of their general expenses under the Public Health Acts.

Power to Local Government Board to extend Act to rural districts.

5. The Local Government Board may declare that any of the provisions contained in any part of this Act which are not in force in any rural sanitary district shall be in force in that district, or any part thereof, and may invest a rural sanitary authority with any of the powers, rights, duties, capacities, liabilities, and obligations which an urban authority may acquire by adoption of any part of this Act, in like manner, and subject to the same provisions as they are enabled to invest rural sanitary authorities with the powers of urban sanitary authorities under the provisions of section two hundred and seventy-six of the Public Health Act, 1875, and in such case the date of the declaration of the Local Government Board under this section shall be substituted for the date of the adoption of this Act or any part thereof.

38 & 39 Vict. c. 55.

Legal proceedings, &c.

6. Offences under this Act may be prosecuted, and penalties, forfeitures, costs, and expenses recovered in like manner and subject to the same provisions as offences which may be prosecuted and penalties, forfeitures, costs, and expenses which may be recovered in a summary manner under the Public Health Acts.

Appeals to quarter sessions.

7.—(1.) Any person aggrieved—

(*a.*) By any order, judgment, determination, or requirement of a local authority under this Act;

(*b.*) By the withholding of any order, certificate, licence, consent, or approval, which may be made, granted, or given by a local authority under this Act;

(*c.*) By any conviction or order of a court of summary jurisdiction under any provision of this Act;

may appeal in manner provided by the Summary Jurisdiction Acts to a court of quarter sessions.

(2.) This section shall not apply in cases where there is an appeal to the Local Government Board under section two hundred and sixty-eight of the Public Health Act, 1875.

More than one sum in one summons, &c.

8. Any information, complaint, warrant, or summons made or issued for the purposes of this Act, or of the Public Health Acts, may contain in the body thereof or in a schedule thereto several sums.

Byelaws.

9. All the provisions with respect to byelaws contained in sections one hundred and eighty-two to one hundred and eighty-six of the Public Health Act, 1875, and any enactment amending or

extending those sections, shall apply to all byelaws from time to time made by a local authority under the powers of this Act, except byelaws made under Part Two of this Act.

**10.**—(1.) All powers given to a local authority under this Act shall be deemed to be in addition to and not in derogation of any other powers conferred upon such local authority by any Act of Parliament, law, or custom, and such other powers may be exercised in the same manner as if this Act had not been passed. Powers of Act cumulative.

(2.) Nothing in this Act shall exempt any person from any penalty to which he would have been liable if this Act had not been passed, provided that no person shall be liable to pay, except in the case of a daily penalty, more than one penalty in respect of the same offence.

**11.**—(1.) The expression "ashpit" in the Public Health Acts and in this Act shall for the purposes of the execution of those Acts and of this Act include any ashtub or other receptacle for the deposit of ashes, fæcal matter, or refuse. Interpretation.

(2.) A street or part of a street which has been asphalted or paved with wood, tar paving, or artificial stone, or other improved paving of any kind shall be deemed to have been paved within the meaning of any provision of the Public Health Acts.

Provided that a street shall not be deemed to be paved to the satisfaction of an urban authority unless it is paved with such kind as well as with such quality of paving as the local authority shall consider suitable for the street.

(3.) In this Act if not inconsistent with the context:—

The expression "local authority" means an urban sanitary authority or a rural sanitary authority, as the case may be, under the Public Health Acts, and the expressions "urban authority" and "rural authority" mean respectively an urban sanitary authority and a rural sanitary authority under those Acts.

The expressions "urban sanitary district" and "rural sanitary district" mean respectively an urban sanitary district and a rural sanitary district under the Public Health Acts.

The expression "sanitary convenience" includes urinals, water-closets, earth-closets, privies, ashpits, and any similar convenience.

The expression "daily penalty" means a penalty for each day on which any offence is continued after conviction therefor.

The expressions "surveyor," "lands," "premises," owner," "street," house," "drain," "sewer" have respectively the same meaning as in the Public Health Acts.

**12.** In the application of this Act to Ireland the following modifications shall have effect:— Application of Act to Ireland.

(1.) Sections five and forty-one shall not apply to Ireland.

(2.) This Act shall be construed as one with the Public Health (Ireland) Act, 1878. 41 & 42 Vict. c. 52.

(3.) This Act and the Public Health (Ireland) Act, 1878, may be cited as the Public Health (Ireland) Acts.

(4.) A reference to a place of abode in England shall be construed to be a reference to a place of abode in Ireland.

(5.) The Local Government Board for Ireland shall be substituted for the Local Government Board.

(6.) The Chief Secretary shall be substituted for the Secretary of State.

(7.) The expression "the Public Health Acts" shall include the Public Health (Ireland) Act, 1878, and the said Act shall be substituted for the Public Health Act, 1875, and in particular references in this Act to sections thirty-eight, forty-one, eighty-four, one hundred and sixteen, one hundred and seventeen, one hundred and fifty-seven, one hundred and fifty-eight, one hundred and sixty-five, two hundred and twenty-nine, two hundred and thirty, two hundred and sixty-eight, and three hundred and six of the Public Health Act, 1875, shall be respectively taken to be references to sections forty-eight, fifty-one, ninety-five, one hundred and thirty-two, one hundred and thirty-three, forty-one, forty-two, one hundred and two, two hundred and thirty-two, two hundred and thirty-three, two hundred and sixty-eight, and two hundred and seventy-two of the Public Health (Ireland) Act, 1878, and the references to sections one hundred and sixteen to one hundred and nineteen, and to sections one hundred and eighty-two to one hundred and eighty-six of the Public Health Act, 1875, shall be respectively taken to be references to sections one hundred and thirty-two to one hundred and thirty-five, and to sections two hundred and nineteen to two hundred and twenty-three of the Public Health (Ireland) Act, 1878.

(8.) In sub-section four of section fifty-one of this Act a notice to the clerk to the licensing justices and to the district inspector of the district in which the house, room, garden, or place is situated, or in his absence to the head constable, or if in the Dublin Metropolitan Police District to the superintendent of police of such division, shall be substituted for the notice to the clerk of the licensing justices and to the chief officer of police in the said sub-section mentioned.

(9.) In section fifty-one of this Act as modified by this section the expression "general annual licensing meeting" shall mean annual licensing quarter sessions, and the expressions "licensing justices," "clerk to the licensing justices," "special sessions," and all other expressions defined by the Licensing Acts (Ireland), 1872 to 1874, shall have the same meanings respectively as in the said Acts.

(10.) Sub-section two of section fifty-two of this Act shall be read and construed as if the words and figures "of the Local Loans Act, 1875, and the Acts amending the same and," and also "by the Metropolitan Board of Works, or the County Council of London, or," were omitted therefrom.

(11.) The Lord Lieutenant by order made by and with the advice of the Privy Council shall be substituted for Her Majesty by Order in Council.

## PART II.—TELEGRAPH, &c. WIRES.

**Byelaws for prevention of danger from**

**13.**—(1.) An urban authority may from time to time make, alter, and repeal byelaws for prevention of danger or obstruction to the

public from posts, wires, tubes, or any other apparatus stretched or placed above, over, along, or across any street (whether before or after the adoption of this part of this Act) for the purpose of any telegraph, telephone, lighting, railway signalling, or other purpose. telegraph wires, &c.

(2.) By such byelaws provisions may be made for the inspection and examination by the urban authority of any such posts, wires, tubes, or other apparatus, and for the prohibition of any such posts, wires, tubes, or other apparatus being or continuing to be stretched or placed as aforesaid in such manner as to be dangerous or to cause obstruction to the public.

(3.) Offenders against such byelaws shall be liable to such penalties as may be thereby prescribed not exceeding five pounds for each offence, and a daily penalty not exceeding forty shillings, and the court in addition to awarding any penalty may order the removal of any post, wire, tube, or other apparatus stretched or placed in contravention of any such byelaw made under this section.

(4.) Byelaws made under this section and any alteration or repeal of any such byelaw shall not take effect unless and until they have been submitted to and confirmed by the Board of Trade, which Board is hereby empowered to allow or disallow or to modify or amend the same as it may think proper.

(5.) Reasonable notice of the intended submission for confirmation of any such byelaw, alteration, or repeal shall be given by the urban authority by advertisement in one or more local newspapers circulating in the district to which such byelaws relate, and by circular letter to any company or person owning or leasing any post, wire, tube, or other apparatus to which any byelaw is intended to apply, and such company or person shall be entitled to appear before the Board of Trade and object to the confirmation, alteration, or repeal of any byelaw, and all costs incurred by any parties in reference to the application for or objection to the confirmation, alteration, or repeal of any such byelaw shall be in the discretion of the Board of Trade.

(6.) The Board of Trade may exempt from the operation of any such byelaw, alteration, or repeal, for such period as they think proper, not exceeding five years from the confirmation thereof, any post, wire, tube, or other apparatus which shall have been stretched or placed, in the case of a new byelaw, before the confirmation thereof, and in the case of the alteration or repeal of a byelaw, in accordance with such byelaw.

(7.) Nothing in such byelaws shall extend to or include any apparatus belonging to any railway or canal company, or used by them in connexion with their business, and which now is or hereafter shall be fixed or placed by any such company across, over, or along any railway or the towing-path of any canal, provided such apparatus do not project or be not stretched or placed beyond such railway or towing-path over any street, or be not stretched or placed over any street crossing over such railway other than streets crossing any railway on the level.

**14.**—(1.) If any post, wire, tube, or other apparatus so exempted as aforesaid is during the period of such exemption in the opinion Danger from exempted telegraph wires.

of the surveyor of the urban authority in such a state or position that immediate danger to any person is to be apprehended, he may give information to any justice, who may thereupon summon the owner or lessee thereof or other person interested therein forthwith to appear before a court of summary jurisdiction.

(2.) The court may thereupon—

(*a.*) Make an order requiring such owner, lessee, or other person, or all or any of them, to remove or remedy the source of danger; or

(*b.*) Make an order authorising the surveyor to do so at the expense of such owner, lessee, or other person, or of all or any of them; or

(*c.*) Make such other order as may appear to the court under all the circumstances of the case to be necessary and proper.

Savings.

**15.**—(1.) Nothing contained in this part of this Act shall—

(*a.*) Extend to any post, wire, tube, or other apparatus or property of the Postmaster-General:

(*b.*) Extend to any works of any undertakers within the meaning of the Electric Lighting Acts, 1882 to 1888, to which the provisions of those Acts apply.

(2.) Nothing contained in this part of this Act shall limit or interfere with the working of any mines or minerals lying under or adjacent to any street along or across which any posts, wires, tubes, or other apparatus shall be stretched or placed, nor shall the owner, lessee, or occupier of those mines or minerals be liable for any damage which may be occasioned by the working thereof in the ordinary course to such posts, wires, tubes, or apparatus.

## PART III.—SANITARY AND OTHER PROVISIONS.

Injurious matters not to pass into sewers.

**16.**—(1.) It shall not be lawful for any person to throw, or suffer to be thrown, or to pass into any sewer of a local authority or any drain communicating therewith, any matter or substance by which the free flow of the sewage or surface or storm water may be interfered with, or by which any such sewer or drain may be injured.

(2.) Every person offending against this enactment shall be liable to a penalty not exceeding ten pounds, and to a daily penalty not exceeding twenty shillings.

Chemical refuse, steam, &c. not to be turned into sewers.

**17.**—(1.) Every person who turns or permits to enter into any sewer of a local authority or any drain communicating therewith—

(*a.*) Any chemical refuse, or

(*b.*) Any waste steam, condensing water, heated water, or other liquid (such water or other liquid being of a higher temperature than one hundred and ten degrees of Fahrenheit),

which, either alone or in combination with the sewage, causes a nuisance or is dangerous or injurious to health, shall be liable to a penalty not exceeding ten pounds, and to a daily penalty not exceeding five pounds.

(2.) The local authority, by any of their officers either generally or specially authorised in that behalf in writing, may enter any

premises for the purpose of examining whether the provisions of this section are being contravened, and if such entry be refused, any justice, on complaint on oath by such officer, made after reasonable notice in writing of such intended complaint has been given to the person having custody of the premises, may by order under his hand require such person to admit the officer into the premises, and if it be found that any offence under this section has been or is being committed in respect of the premises, the order shall continue in force until the offence shall have ceased or the work necessary to prevent the recurrence thereof shall have been executed.

(3.) A person shall not be liable to a penalty for an offence against this section until the local authority have given him notice of the provisions of this section, nor for an offence committed before the expiration of seven days from the service of such notice, provided that the local authority shall not be required to give the same person notice more than once.

**Provision as to local authority making communications with or altering, &c. drains and sewers.**

**18.**—(1.) Where the owner or occupier of any premises is entitled to cause any sewer or drain from those premises to communicate with any sewer of the local authority, the local authority shall, if requested to do so by such owner or occupier, and upon the cost thereof being paid in advance to the local authority, themselves make the communication and execute all works necessary for that purpose.

(2.) The cost of making such communication (including all costs incidental thereto) shall be estimated by the surveyor of the local authority, but in case the owner or occupier of the premises, as the case may be, is dissatisfied with such estimate, he may, if the estimate is under fifty pounds, apply to a court of summary jurisdiction to fix the amount to be paid for such cost, and if the estimate is over fifty pounds have the same determined by arbitration in manner provided by the Public Health Acts.

(3.) A local authority may agree with the owner of any premises that any sewer or drain which such owner is required, or desires, to make, alter, or enlarge, or any part of such sewer or drain, shall be made, altered, or enlarged by the local authority.

**Extension of 38 & 39 Vict. c. 55. s. 41.**

**19.**—(1.) Where two or more houses belonging to different owners are connected with a public sewer by a single private drain, an application may be made under section forty-one of the Public Health Act, 1875 (relating to complaints as to nuisances from drains), and the local authority may recover any expenses incurred by them in executing any works under the powers conferred on them by that section from the owners of the houses in such shares and proportions as shall be settled by their surveyor or (in case of dispute) by a court of summary jurisdiction.

(2.) Such expenses may be recovered summarily or may be declared by the urban authority to be private improvement expenses under the Public Health Acts, and may be recovered accordingly.

(3.) For the purposes of this section the expression "drain" includes a drain used for the drainage of more than one building.

Sanitary conveniences for public accommodation.

**20.**—(1.) Where an urban authority provide and maintain for public accommodation any sanitary conveniences, such authority may—

(i.) Make regulations with respect to the management thereof and make byelaws as to the decent conduct of persons using the same;

(ii.) Let the same from time to time for any term not exceeding three years at such rent and subject to such conditions as they may think fit;

(iii.) Charge such fees for the use of any waterclosets provided by them as they may think proper.

(2.) No public sanitary convenience shall, after the adoption of this part of this Act, be erected in or accessible from any street without the consent in writing of the urban authority, who may give such consent upon such terms as to the use thereof or the removal thereof at any time, if required by the urban authority, as they may think fit.

(3.) Any person who erects a sanitary convenience in contravention of this enactment, and after a notice in writing to that effect from the urban authority does not remove the same, shall be liable to a penalty not exceeding five pounds, and to a daily penalty not exceeding twenty shillings.

(4.) Nothing in this section shall extend to any sanitary convenience now or hereafter to be erected by any railway company within their railway station yard or the approaches thereto.

Sanitary conveniences used in common.

**21.** With respect to any sanitary convenience used in common by the occupiers of two or more separate dwelling-houses, or by other persons, the following provisions shall have effect:—

(1.) If any person injures or improperly fouls any such sanitary convenience, or anything used in connexion therewith, he shall for every such offence be liable to a penalty not exceeding ten shillings:

(2.) If any sanitary convenience or the approaches thereto, or the walls, floors, seats, or fittings thereof is or are in the opinion of the urban authority or of the inspector of nuisances or medical officer of health of such authority in such a state or condition as to be a nuisance or annoyance to any inhabitant of the district for want of the proper cleansing thereof, such of the persons having the use thereof in common as aforesaid as may be in default, or in the absence of proof satisfactory to the court as to which of the persons having the use thereof in common is in default, each of those persons, shall be liable to a penalty not exceeding ten shillings, and to a daily penalty not exceeding five shillings.

Sanitary conveniences for manufactories, &c

**22.**—(1.) Every building, used as a workshop or manufactory, or where persons are employed or intended to be employed in any trade or business, whether erected before or after the adoption of this part of this Act in any district, shall be provided with sufficient and suitable accommodation in the way of sanitary conveniences, having regard to the number of persons employed in or in attendance at such building, and also where persons of both sexes are

employed, or intended to be employed, or in attendance, with proper separate accommodation for persons of each sex.

(2.) Where it appears to an urban authority on the report of their surveyor that the provisions of this section are not complied with in the case of any building, the urban authority may, if they think fit, by written notice, require the owner or occupier of any such building to make such alterations and additions therein as may be required to give such sufficient, suitable, and proper accommodation as aforesaid.

(3.) Any person who neglects or refuses to comply with any such notice shall be liable for each default to a penalty not exceeding twenty pounds, and to a daily penalty not exceeding forty shillings.

(4.) Where this section is in force, section thirty-eight of the Public Health Act, 1875, shall be repealed.

Extension of 38 & 39 Vict. c. 55. s. 157

**23.**—(1.) Section one hundred and fifty-seven of the Public Health Act, 1875, shall be extended so as to empower every urban authority to make byelaws with respect to the following matters; that is to say:—

The keeping waterclosets supplied with sufficient water for flushing;

The structure of floors, hearths, and staircases, and the height of rooms intended to be used for human habitation;

The paving of yards and open spaces in connexion with dwelling-houses, and

The provision in connexion with the laying out of new streets of secondary means of access where necessary for the purpose of the removal of house refuse and other matters.

(2.) Any byelaws under that section as above extended with regard to the drainage of buildings, and to waterclosets, earth-closets, privies, ashpits, and cesspools, in connexion with buildings, and the keeping waterclosets supplied with sufficient water for flushing, may be made so as to affect buildings erected before the times mentioned in the said section.

(3.) The provisions of the said section (as amended by this Act), so far as they relate to byelaws with respect to the structure of walls and foundations of new buildings for purposes of health, and with respect to the matters mentioned in sub-sections (3) and (4) of the said section, and with respect to the structure of floors, the height of rooms to be used for human habitation, and to the keeping of waterclosets supplied with sufficient water for flushing, shall be extended so as to empower rural authorities to make byelaws in respect to the said matters, and to provide for the observance of such byelaws, and to enforce the same as if such powers were conferred on the rural authorities by virtue of an order of the Local Government Board made on the day when this part of this Act is adopted, and section one hundred and fifty-eight of the Public Health Act, 1875, shall also apply to any such authority, and shall be in force in every rural district where this part of this Act is adopted.

(4.) Every local authority may make byelaws to prevent buildings which have been erected in accordance with byelaws made under

the Public Health Acts from being altered in such a way that if at first so constructed they would have contravened the byelaws.

**Rooms over privies, &c. not to be used as dwelling or sleeping rooms.**

**24.**—(1.) Where any portion of a room extends immediately over any privy (not being a watercloset or earth-closet), or immediately over any cesspool, midden, or ashpit, that room, whether built before or after the adoption of this part of this Act, shall not be occupied as a dwelling place, sleeping place, or workroom or place of habitual employment of any person in any manufacture, trade, or business during any portion of the day or night.

(2.) Any person who after the expiration of one month after the adoption of this part of this Act, and after notice from the local authority of not less than seven days, so occupies, and any person who suffers to be so occupied, any such room, shall be liable to a penalty not exceeding forty shillings, and to a daily penalty not exceeding ten shillings.

**Penalty for erecting buildings on ground filled up with offensive matter.**

**25.**—(1.) It shall not be lawful to erect a new building on any ground which has been filled up with any matter impregnated with fœcal, animal, or vegetable matter, or upon which any such matter has been deposited, unless and until such matter shall have been properly removed by excavation or otherwise, or shall have been rendered or have become innocuous.

(2.) Every person who does or causes, or wilfully permits to be done any act in contravention of this section shall for every such offence be liable to a penalty not exceeding five pounds, and a daily penalty not exceeding forty shillings.

**Power to make byelaws for certain sanitary purposes.**

**26.**—(1.) An urban authority may make byelaws in respect of the following matters, namely:—

(*a.*) For prescribing the times for the removal or carriage through the streets of any fœcal or offensive or noxious matter or liquid, whether such matter or liquid shall be in course of removal or carriage from within or without or through their district:

(*b.*) For providing that the vessel, receptacle, cart, or carriage used therefor shall be properly constructed and covered so as to prevent the escape of any such matter or liquid:

(*c.*) For compelling the cleansing of any place whereon such matter or liquid shall have been dropped or spilt in such removal or carriage.

(2.) Where a local authority themselves undertake or contract for the removal of house refuse they may make byelaws imposing on the occupiers of any premises duties in connexion with such removal so as to facilitate the work which the local authority undertake or contract for.

**Provision for keeping common courts and passages clean.**

**27.**—(1.) Where any court, or where any passage leading to the back of several buildings in separate occupations, and not being a highway repairable by the inhabitants at large, is not regularly and effectually swept and kept clean and free from rubbish or other accumulation to the satisfaction of the urban authority, the urban authority may, if they think fit, cause to be swept and cleaned such court or passage.

(2.) The expenses thereby incurred shall be apportioned between the occupiers of the buildings situated in the court or to the back of which the passage leads in such shares as may be determined by the surveyor of the urban authority, or (in case of dispute) by a court of summary jurisdiction, and in default of payment any share so apportioned may be recovered summarily from the occupier on whom it is apportioned.

Extension of 38 & 39 Vict. c. 55. ss. 116–119.

**28.**—(1.) Sections one hundred and sixteen to one hundred and nineteen of the Public Health Act, 1875 (relating to unsound meat), shall extend and apply to all articles intended for the food of man, sold or exposed for sale, or deposited in any place for the purpose of sale, or of preparation for sale within the district of any local authority.

(2.) A justice may condemn any such article, and order it to be destroyed or disposed of, as mentioned in section one hundred and seventeen of the Public Health Act, 1875, if satisfied on complaint being made to him that such article is diseased, unsound, unwholesome, or unfit for the food of man, although the same has not been seized as mentioned in section one hundred and sixteen of the said Act.

Duration of licences.

**29.** Licences granted after the adoption of this part of this Act for the use and occupation of places as slaughter-houses shall be in force for such time or times only, not being less than twelve months, as the urban authority shall think fit to specify in such licences.

Notice of change of occupation of slaughter-house.

**30.**—(1.) Upon any change of occupation of any building within an urban sanitary district registered or licensed for use and used as a slaughter-house, the person thereupon becoming the occupier or joint occupier shall give notice in writing of the change of occupation to the inspector of nuisances.

(2.) A person who fails or neglects to give such notice within one month after the change of occupation occurs shall be liable to a penalty not exceeding five pounds.

(3.) Notice of this enactment shall be endorsed on all licences granted after the adoption of this part of this Act.

Revocation of licence on conviction for sale of meat unfit for food.

**31.** If the occupier of any building licensed as aforesaid to be used as a slaughter-house for the killing of animals intended as human food is convicted by a court of summary jurisdiction of selling or exposing for sale, or for having in his possession, or on his premises, the carcase of any animal, or any piece of meat or flesh diseased or unsound, or unwholesome or unfit for the use of man as food, the court may revoke the licence.

Extension of 38 & 39 Vict c. 55. s. 84.

**32.** Any keeper of a common lodging-house who fails to give the notice required by section eighty-four of the Public Health Act, 1875, shall be liable to a penalty not exceeding forty shillings, and to a daily penalty not exceeding five shillings.

Buildings described in deposited plans otherwise than as dwelling-houses not to be used as such.

**33.**—(1.) Where the plan of a building has been, either before or after the adoption of this part of this Act in any district, deposited with a local authority in pursuance of any Act of Parliament or byelaw, and that building is described therein otherwise than as a dwelling-house, any person who wilfully uses or knowingly permits

to be used such building or any part thereof for the purposes of habitation by any person other than the person placed therein to take care thereof, and the family of such person, shall be guilty of an offence under this section, and shall be liable to a penalty not exceeding five pounds, and to a daily penalty not exceeding forty shillings.

(2.) Provided that if such building has in the rear thereof and adjoining and exclusively belonging thereto such an open space as is required by any Act of Parliament or byelaw for the time being in force with respect to buildings intended to be used as dwelling-houses, and if such part of the building as is intended to be used as a dwelling-house has undergone such structural alterations, if any, as are necessary in the opinion of the local authority to render it fit for that purpose, the owner may use the same as a dwelling-house.

Hoards to be set up during progress of buildings, &c.

**34.**—(1.) Every person intending to build or take down any building, or to alter or repair the outward part of any building in any street or court, shall—

(*a.*) before beginning the same, unless the urban authority otherwise consent in writing, cause close-boarded hoards or fences to the satisfaction of the urban authority to be put up in order to separate the building from the street or court;

(*b.*) if the urban authority so require, make a convenient covered platform and handrail to serve as a footway for passengers outside of such hoard or fence;

(*c.*) continue such hoard or fence with such platform and handrail as aforesaid standing and in good condition to the satisfaction of the urban authority during such time as they may require;

(*d.*) if required by the urban authority, cause the same to be sufficiently lighted during the night;

(*e.*) remove the same when required by the urban authority.

(2.) Every person who fails to comply with any of the provisions of this section shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings.

(3.) Where this part of this Act is adopted the eightieth section of the Towns Improvement Clauses Act, 1847, shall be repealed, and this section shall be deemed to be substituted therefor.

10 & 11 Vict. c. 34.

As to repair of cellars under streets.

**35.**—(1.) All vaults, arches, and cellars under any street, and all openings into such vaults, arches, or cellars in the surface of any street, and all cellar-heads, gratings, lights, and coal holes in the surface of any street, and all landings, flags, or stones of the path or street supporting the same respectively, shall be kept in good condition and repair by the owners or occupiers of the same, or of the houses or buildings to which the same respectively belong.

(2.) Where any default is made in complying with the provisions of this section, the urban authority may, after twenty-four hours notice in that behalf, cause anything in respect of which such default is made to be repaired or put into good condition, and the expenses of so doing shall be paid to the urban authority by such

owner or occupier respectively, or in default may be recovered in a summary manner.

Means of ingress to and egress from places of public resort.

**36.**—(1.) Every building which, after the adoption of this part of this Act in any urban district, is used as a place of public resort, shall, to the satisfaction of the urban authority, be substantially constructed and supplied with ample, safe, and convenient means of ingress and egress for the use of the public, regard being had to the purposes for which such building is intended to be used, and to the number of persons likely to be assembled at any one time therein.

(2.) The means of ingress and egress shall during the whole time that such building is used as a place of public resort be kept free and unobstructed to such extent as the urban authority shall require.

(3.) An officer authorised in writing by the urban authority, and producing his authority if so required, may at all reasonable times enter any such building to see that the provisions of this section are carried into effect.

(4.) Any person who being the occupier, or manager, or in the case of a building let for any period less than one year the owner of any building used as aforesaid, uses the same or suffers the same to be used in contravention of this section, or fails to comply with the provisions of this section in respect thereof, shall for every such offence be liable to a penalty not exceeding twenty pounds.

(5.) Where any alteration in the building is required in order to give proper means of ingress or egress, the court may refuse to inflict a penalty for an offence under this section until a reasonable time has been allowed for making such alteration, but the court may make such order as they think fit for the closing, or otherwise, of the building during such time.

(6.) For the purposes of this section the expression "place of public resort" means a building used or constructed or adapted to be used either ordinarily or occasionally as a church, chapel, or other place of public worship (not being merely a dwelling-house so used), or as a theatre, public hall, public concert-room, public ball-room, public lecture-room, or public exhibition room, or as a public place of assembly for persons admitted thereto by tickets or by payment, or used, or constructed, or adapted to be used, either ordinarily or occasionally for any other public purpose, but shall not include a private dwelling-house used occasionally or exceptionally for any of those purposes.

Provided that this section shall not extend to any building used as a church or chapel or other place of public worship before or at the time of the adoption of this part of this Act.

Safety of platforms, &c. erected or used on public occasions.

**37.**—(1.) Whenever large numbers of persons are likely to assemble on the occasion of any show, entertainment, public procession, open-air meeting, or other like occasion, every roof of a building, and every platform, balcony, or other structure or part thereof let or used or intended to be let or used for the purpose of affording sitting or standing accommodation for a number of persons, shall be safely constructed or secured to the satisfaction of the surveyor of the urban authority.

(2.) Any person who uses or allows to be used in contravention of this section, any roof of a building, platform, balcony, or structure not so safely constructed or secured, or who neglects to comply with the provisions of this section in respect thereof, shall be liable to a penalty not exceeding fifty pounds.

Byelaws for prevention of danger from whirligigs, shooting galleries, &c.

**38.** An urban authority may make byelaws for the prevention of danger from whirligigs and swings when such whirligigs and swings are driven by steam power, and from the use of firearms in shooting ranges and galleries.

Refuges, &c. in streets.

**39.** An urban authority may from time to time place, maintain, alter, and remove in any street, being a highway repairable by the inhabitants at large, such raised paving or places of refuge, with such pillars, rails, or other fences, either permanent or temporary, as they may think fit, for the purpose of protecting passengers and traffic, either along the street or on the footways, from injury, danger, or annoyance, or for the purpose of making the crossing of any street less dangerous to passengers.

Cabmen's shelters.

**40.**—(1.) An urban authority may from time to time provide, maintain, and remove in or near any street in their district suitable erections for the use, convenience, and shelter of drivers of hackney carriages, and such other persons as the urban authority may permit to use the same.

(2.) The urban authority may from time to time make regulations for prescribing the terms and conditions and the fees (if any) to be charged for the use of such places of shelter, and may make byelaws for regulating the conduct of persons using the same.

Adoption of private streets.

**41.** Where this part of this Act is adopted, section one hundred and fifty-two of the Public Health Act, 1875, shall be repealed, and the following provisions shall be substituted in lieu thereof:—

(1.) Whenever all or any of the works mentioned in section one hundred and fifty of the Public Health Act, 1875, have been executed in a street or part of a street under that section by an urban authority, and the urban authority are of opinion that such street or part of a street ought to become a highway repairable by the inhabitants at large, they may by notice to be fixed up in such street or part of a street declare the whole of such street or part of a street to be a highway repairable by the inhabitants at large, and thereupon such street or part of a street as defined in the notice shall become a highway repairable by the inhabitants at large.

(2.) Provided that no such street shall become a highway so repairable if within one month after such notice has been put up the owner or the majority in number or value of owners of such street by notice in writing to the urban authority object thereto, and in ascertaining such majority joint owners shall be reckoned as one owner.

Statues and monuments.

**42.** Any urban authority may from time to time authorise the erection in any street or public place within their district of any statue or monument, and may maintain the same, and any statue or monument erected within their district before the adoption of this part of this Act, and may remove any statue or monument the erection of which has been authorised by them.

**43.** Any urban authority may, if they see fit, cause trees to be planted in any highway repairable by the inhabitants at large within their district, and may erect guards or fences for the protection of the same, provided that this power shall not be exercised nor shall any trees so planted be continued so as to hinder the reasonable use of the highway by the public or any person entitled to use the same, or so as to become a nuisance or injurious to any adjacent owner or occupier. Trees in roads.

**44.**—(1.) An urban authority may on such days as they think fit (not exceeding twelve days in any one year, nor four consecutive days on any one occasion) close to the public any park or pleasure ground provided by them or any part thereof, and may grant the use of the same, either gratuitously or for payment, to any public charity or institution, or for any agricultural, horticultural, or other show, or any other public purpose, or may use the same for any such show or purpose; and the admission to the said park or pleasure ground, or such part thereof, on the days when the same shall be so closed to the public may be either with or without payment, as directed by the urban authority, or, with the consent of the urban authority, by the society or persons to whom the use of the park or pleasure ground, or such part thereof, may be granted: Provided that no such park or pleasure ground shall be closed on any Sunday or public holiday. Parks and pleasure grounds.

(2.) An urban authority may either themselves provide and let for hire, or may license any person to let for hire, any pleasure boats on any lake or piece of water in any such park or pleasure ground, and may make byelaws for regulating the numbering and naming of such boats, the number of persons to be carried therein, the boathouses and mooring places for the same, and for fixing rates of hire and the qualifications of boatmen, and for securing their good and orderly conduct while in charge of any boat.

**45.** The powers of an urban authority under section one hundred and sixty-four of the Public Health Act, 1875, to contribute to the support of public walks or pleasure grounds, shall include a power to contribute towards the cost of the laying out, planting, or improvement of any lands provided by any person which have been permanently set apart as public walks or pleasure grounds, and which, whether in the district of the urban authority or not, are so situated as to be conveniently used by the inhabitants of the district, and shall also include a power to contribute towards the purchase by any person of lands so situate and to be so set apart as aforesaid. Extension of 38 & 39 Vict. c. 55. s. 164.

**46.** Section one hundred and sixty-five of the Public Health Act, 1875, shall be extended so as to enable any urban authority to pay the reasonable cost of the repairing, maintaining, winding up, and lighting any public clock within their district although the same be not vested in them. Extension of 38 & 39 Vict. c. 55. s. 165.

**47.**—(1.) It shall not be lawful for any person to throw or place or suffer to be thrown or placed into or in any river, stream, or watercourse within any district in which this part of this Act is Restriction on throwing cinders, &c. into streams.

adopted, any cinders, ashes, bricks, stone, rubbish, dust, filth, or other matter which is likely to cause annoyance.

(2.) Every person offending against this enactment shall be liable to a penalty not exceeding forty shillings for every such offence.

Extension of 38 & 39 Vict. c. 55. s. 306.

**48.** So much of section three hundred and six of the Public Health Act, 1875, as imposes penalties on persons who destroy, pull down, injure, or deface any board on which any byelaw, notice, or other matter is inscribed, shall apply to persons who destroy, pull down, injure, or deface any advertisement, placard, bill, or notice put up by or under the direction of a local authority.

Power to determine expenses of rural authorities to be special expenses.

**49.** The Local Government Board may by order on the application of any rural authority declare any expenses incurred by such authority to be special expenses within the meaning of sections two hundred and twenty-nine and two hundred and thirty of the Public Health Act, 1875.

Application of part of Act in rural districts.

**50.** The following provisions of this part of this Act shall be applicable in rural sanitary districts, namely,—

Section sixteen, relating to injurious matter being passed into sewers.

Section seventeen, relating to the turning of chemical refuse, steam, &c. into sewers.

Section eighteen, relating to local authorities making communication with drains, &c.

Section nineteen, relating to the extension of section forty-one of the Public Health Act, 1875.

Section twenty-one, relating to sanitary conveniences used in common.

So much of section twenty-three, relating to the extension of section one hundred and fifty-seven of the Public Health Act, 1875, as applies to rural authorities.

Section twenty-five, relating to the penalty for erecting buildings on ground filled up with offensive matter.

Sub-section (2) of section twenty-six, relating to the power to make byelaws for certain sanitary purposes.

Section twenty-eight, relating to the extension of sections one hundred and sixteen to one hundred and nineteen inclusive of the Public Health Act, 1875.

Section thirty-two, relating to the extension of section eighty-four of the Public Health Act, 1875.

Section thirty-three, relating to the use of buildings described in deposited plans otherwise than dwelling-houses.

Section forty-seven, relating to the restriction on throwing cinders, &c. into streams.

Section forty-eight, relating to the extension of section three hundred and six of the Public Health Act, 1875.

Section forty-nine, relating to the powers of the Local Government Board to determine expenses of rural authorities to be special expenses.

## PART IV.—MUSIC AND DANCING.

Music and dancing licences.

**51.** For the regulation of places ordinarily used for public dancing or music, or other public entertainment of the like kind, the following provisions shall have effect (namely):—

1. After the expiration of six months from the adoption of this part of this Act, a house, room, garden, or other place, whether licensed or not for the sale of wine, spirits, beer, or other fermented or distilled liquors, shall not be kept or used for public dancing, singing, music, or other public entertainment of the like kind without a licence for the purpose or purposes for which the same respectively is to be used first obtained from the licensing justices of the licensing district in which the house, room, garden, or place is situate, and for the registration thereof a fee of five shillings shall be paid by the person applying therefor:
2. Such justices may, under the hands of a majority of them assembled at their general annual licensing meeting or at any adjournment thereof or at any special session convened with fourteen days previous notice, grant licences to such persons as they think fit to keep or use houses, rooms, gardens, or places for all or any of the purposes aforesaid upon such terms and conditions, and subject to such restrictions as they by the respective licences determine, and every licence shall be in force for one year or for such shorter period as the justices on the grant of the licence shall determine, unless the same shall have been previously revoked as herein-after provided:
3. Such justices may from time to time at any such special session aforesaid transfer any such licence to such person as they think fit:
4. Each person shall in each case give fourteen days notice to the clerk of the licensing justices and to the chief officer of police of the police district in which the house, room, garden, or place is situated, of his intention to apply for any such licence or for the transfer of any such licence:
5. Any house, room, garden, or place kept or used for any of the purposes aforesaid without such licence first obtained shall be deemed a disorderly house, and the person occupying or rated as occupier of the same shall be liable to a penalty not exceeding five pounds for every day on which the same is kept or used for any of the purposes last aforesaid:
6. There shall be affixed and kept up in some conspicuous place on the door or entrance of every house, room, garden, or place so kept or used and so licensed as aforesaid, an inscription in large capital letters in the words following: "Licensed in pursuance of Act of Parliament for " with the addition of words showing the purpose or purposes for which the same is licensed:
7. Any house, room, garden, or place so kept or used, although so licensed as aforesaid, shall not be opened for any of the

said purposes except on the days and between the hours stated in the licence:

8. The affixing and keeping up of such inscription as aforesaid, and the observance of the days and hours of opening and closing, shall be inserted in and made a condition of every such licence:

9. In case of any breach or disregard of any of the terms or conditions upon or subject to which the licence was granted, the holder thereof shall be liable to a penalty not exceeding twenty pounds, and to a daily penalty not exceeding five pounds, and such licence shall be liable to be revoked by the order of a court of summary jurisdiction.

10. No notice need be given under sub-section four of this section when the application is for a renewal of any existing licence held by the applicant for the same premises:

11. The justices in any petty sessions may, if and as they think fit, grant to any person applying for the same a licence to keep or use any house, room, garden, or place for any purpose within the meaning of this section for any period not exceeding fourteen days which they shall specify in such licence, notwithstanding that no notices shall have been given under sub-section four of this section:

12. This section shall not apply within twenty miles of the cities of London or Westminster:

13. In this section the expressions "licensing justice," "licensing district," and "clerk of the licensing justices" have respectively the same meanings as in the Licensing Acts, 1872–1874; the expression "police district" means any area for which a separate police force is maintained; and the expression "chief officer of police" means the chief constable, head constable, or other officer, by whatever name called, having the chief command of such separate police force.

## PART V.—STOCK.

Issue of stock.

**52.**—(1.) Where any authority, whether a municipal corporation, local board, or improvement commissioners, which is an urban authority, have for the time being, either in their capacity as urban authority or in any other capacity, any power to borrow money, they may, with the consent of the Local Government Board, exercise such power by the creation of stock to be created, issued, transferred, dealt with, and redeemed in such manner and in accordance with such regulations as the Local Government Board may from time to time prescribe.

(2.) Without prejudice to the generality of the above power, such regulations may provide for the discharge of any loan raised by such stock, and in the case of consolidation of debt for extending or varying the times within which loans may be discharged, and may provide for the consent of limited owners and for the application of the Acts relating to stamp duties and to cheques, and for the disposal of unclaimed dividends, and may apply for the purposes of this section, with or without modifications, any enactments

of the Local Loans Act, 1875, and the Acts amending the same, and of any Act relating to stock issued by the Metropolitan Board of Works, or the County Council of London, or by the corporation of any municipal borough. 38 & 39 Vict c. 89.

(3) Such regulations shall be laid before each House of Parliament for not less than thirty days during which such House sits, and if either House during such thirty days resolves that such regulations ought not to be proceeded with, the same shall be of no effect, without prejudice nevertheless to the making of further regulations.

(4.) If no such resolution is passed, it shall be lawful for Her Majesty by Order in Council to confirm such regulations, and the same when so confirmed shall be deemed to have been duly made and to be within the powers of this Act, and shall be of the same force as if they were enacted in this Act.

# CHAPTER 60.

## An Act for the Distribution and Application of certain Duties of Customs and Excise; and for other purposes connected therewith. [18th August 1890.]

WHEREAS certain local taxation (customs and excise) duties have by an Act of the present session been directed to be paid to the same local taxation accounts as the local taxation probate duty, and it is expedient to provide for the distribution and application of the duties so paid:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Application of English share of customs and excise duties

1.—(1) Out of the English share of the local taxation (customs and excise) duties paid to the local taxation account on account of any financial year—

(*a.*) The sum of three hundred thousand pounds shall be applied for such purposes of police superannuation in England as herein-after mentioned;

(*b.*) The residue shall, unless Parliament otherwise determines, be distributed between county and county borough funds, and carried to the Exchequer contribution accounts of those funds respectively, and applied under the Local Government Act, 1888, as if it were part of the English share of the local taxation probate duty, and shall be the subject of an adjustment between counties and county boroughs, according to section thirty-two of the said Act, by the Commissioners under that Act. 51 & 52 Vict c 41

(2.) The council of any such county or county borough may contribute any sum received by such council in respect of the residue under this section, or any part of that sum, for the purposes of

technical education within the meaning of the Technical Instruction Act, 1889, and may make that contribution over and above any sum that may be raised by rate under that Act.

(3.) A county council may make any such contribution by giving the amount of the contribution or any part of that amount to any town council or other urban sanitary authority in their county for the purpose of the same being applied by such council or authority under the Technical Instruction Act, 1889, over and above any sum which can be raised under that Act by rate by such council or authority.

52 & 53 Vict. c. 76.

(4.) The council for any county to which the Welsh Intermediate Education Act, 1889, applies may contribute any sum received by such council under this section in respect of the said residue or any part of that sum towards intermediate and technical education under that Act, in addition to the amount which the council can under that Act contribute for such education.

52 & 53 Vict. c. 40.

Application of Scotch share of customs and excise duties.

**2.** Out of the Scotch share of the local taxation (customs and excise) duties paid to the local taxation (Scotland) account on account of any financial year—

(i.) The sum of forty thousand pounds shall be applied for such purposes of police superannuation in Scotland as herein-after mentioned;

(ii.) A sum not exceeding forty thousand pounds shall be applied in relief from the payment of school fees in the State-aided schools in Scotland of children in the compulsory standards of the Scotch code, and shall be distributed in such manner and in accordance with such conditions as may be set forth for the present financial year in a minute of the Scotch Education Department to be forthwith laid before Parliament, and in every year subsequent to the present year in the Scotch Education Code annually submitted to Parliament; and

(iii.) The residue shall, until Parliament otherwise determines, be diminished by any charge, or increased by any credit, pursuant to the provisions of the Contagious Diseases (Animals) (Pleuro-Pneumonia) Act, 1890, and distributed by the Secretary for Scotland—

53 & 54 Vict. c. 14.

(*a*) to the amount of fifteen thousand pounds as a contribution to the cost of medical officers and sanitary inspectors appointed under the Public Health (Scotland) Act, 1867, or under the Local Government (Scotland) Act, 1889, as the case may be, in such manner and according to such scale and regulations as may be prescribed by the Secretary for Scotland;

30 & 31 Vict. c. 101. 52 & 53 Vict. c. 30.

(*b*) and, subject as aforesaid, among the county councils of counties and town councils acting as such or as police commissioners of burghs, and police commissioners of police burghs, in Scotland, in proportion to the respective valuations of such counties and burghs and police burghs as such valuations shall be ascertained by the Secretary for Scotland at the date of such distribution, the share falling to such councils and commissioners respectively

to be applied to the relief of local rates levied by them respectively, in such manner as they may determine.

Provided nevertheless that the council of any such county or burgh and the Commissioners of any such police burgh may contribute any sum received by such council or commissioners (as the case may be) in respect of the said residue or any part of that sum for the purposes of technical education within the meaning of the Technical Schools (Scotland) Act, 1887, and may make that contribution over and above any sum that may be paid out of any school fund under that Act whether or not any such sum has been paid out of such fund. 50 & 51 Vict. c. 64.

**Application of Irish share of customs and excise duties.**

3.—(1.) The Irish share of the local taxation (customs and excise) duties paid to the local taxation (Ireland) account on account of any financial year shall be applied as follows, that is to say, out of such share—

(i.) The sum of seventy-eight thousand pounds shall be paid to the Commissioners of Education, and shall be distributed by them as nearly as possible in proportion to the average number of pupils daily attending the several national schools in Ireland in aid of which salaries or any other money payments are paid by the said Commissioners, estimated according to the rules and regulations of the said Commissioners for the time being in force, and such distribution shall be made according to rules to be framed by the said Commissioners with the consent of the Treasury and the amounts—

(*a*) in the case of every national school in a union which is not a contributory union, shall be paid for the benefit of the schools which are not model schools as an addition to the local contributions to or in respect of such schools within the financial year fixed by the last-mentioned rules; and

(*b*) in the case of every national school in a union which is a contributory union, shall be paid to the guardians of such union, provided that no such payment shall be made to the guardians of any contributory union in excess of the amount paid by them within the financial year fixed as aforesaid, pursuant to the provisions of the National School Teachers (Ireland) Act, 1875, out of the poor rate; 38 & 39 Vict. c. 96.

(*c*) all sums so paid to the guardians of a contributory union shall be applied in aid of the poor rate; and

(*d*) any sums not paid to the guardians of a contributory union by reason of the proviso restricting the amount of payment herein-before contained shall be paid for the benefit of the national schools in the union which are not model schools in the manner herein-before mentioned.

(ii.) The residue of such share shall, unless Parliament otherwise determines, be paid to the Intermediate Education Board for Ireland, and be distributed and applied by them amongst

41 & 42 Vict. c. 66.

schools to which the provisions of the Intermediate Education (Ireland) Act, 1878, apply for both or either of the purposes following, but for no other purposes, namely:

(*a*) for the payment to managers of schools complying with the conditions prescribed under the said Act, of fees dependent on the results of public examinations of students; and

(*b*) for the payment of prizes and exhibitions, and the giving of certificates to students,

according to a scheme to be settled by the said Board with the approval of the Lord Lieutenant and the Treasury.

(2.) Expressions which have meanings assigned to them by the National School Teachers (Ireland) Act, 1875, shall have the same meanings respectively in this section.

Distribution of sums for police superannuation in England and Scotland.

**4.**—(1.) Out of the annual sum applicable under this Act for police superannuation in England one hundred and fifty thousand pounds shall be paid to the receiver for the Metropolitan police district, and applied in aid of the police superannuation fund for the Metropolitan police force.

(2.) The remaining half of the said annual sum shall be distributed among the police authorities of the other police forces in England other than the police force of the city of London, and the annual sum of forty thousand pounds applicable for police superannuation in Scotland shall be distributed among the police authorities of police forces in Scotland; and the amounts to be so distributed shall be distributed and applied towards the superannuation of the police forces in such manner and in accordance with such conditions and regulations as may be provided by or in pursuance of any Act hereafter passed, and until so distributed and applied shall remain to the credit of the local taxation accounts.

Distribution of local taxation (customs and excise) duties.
51 & 52 Vict. c. 41.
52 & 53 Vict. c. 50.
51 & 52 Vict. c. 60.

**5.** All sums paid in respect of the local taxation (customs and excise) duties to any local taxation accounts mentioned in section twenty-one of the Local Government Act, 1888, in section twenty-one of the Local Government (Scotland) Act, 1889, or in the Probate Duties (Scotland and Ireland) Act, 1888, shall be paid and distributed by the like central authority as in the case of the local taxation probate duty, and the enactments relating to such distribution shall, subject to the express provisions of this Act, apply accordingly; the said accounts are in this Act referred to by the names given them in the said Acts.

Definitions.

**6.** In this Act, unless the context otherwise requires:—

The expressions "burgh," "police burgh," and "police commissioners," have respectively the same meaning as in the Local Government (Scotland) Act, 1889.

The expression "local taxation probate duty" means the moiety of probate duties which under section twenty-one of the Local Government Act, 1888, and section twenty-one of the Local Government (Scotland) Act, 1889, and section two of the Probate Duties (Scotland and Ireland) Act, 1888, is directed to be paid to the several local taxation accounts in England, Scotland, and Ireland respectively.

51 & 52 Vict. c. 60.

The expression "central authority" means as respects England the Local Government Board; as respects Scotland, the Secretary for Scotland; and as respects Ireland, the Lord Lieutenant.

**7.** This Act may be cited as the Local Taxation (Customs and Excise) Act, 1890. **Short title.**

# CHAPTER 61.

## An Act for taking the Census of England and Wales.

[18th August 1890.]

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

**1.** A census for England and Wales shall be taken in the year one thousand eight hundred and ninety-one, and the census day shall be Sunday the fifth day of April in that year. **Census to be taken in 1891.**

**2.**—(1.) The Local Government Board (herein-after referred to as "the Board") shall superintend the taking of the census, and shall prescribe such forms and instructions as the Board deem necessary for the use of the persons to be employed in taking it. **Central authority to superintend taking of census.**

(2.) The Registrar General shall cause such forms and instructions to be prepared and printed and shall issue them to the persons for whose use they are intended.

(3.) All the expenses incurred by authority of the Board, with the consent of the Treasury, for the purposes of the census, shall be paid out of moneys provided by Parliament.

**3.** Every registrar of births and deaths shall divide his sub-district into enumerators divisions according to instructions issued under this Act but the division shall be subject to the revision of his superintendent registrar, and to the final revision and approval of the Registrar General. **Formation of enumerators divisions.**

**4.**—(1.) Every registrar of births and deaths shall make and return to his superintendent registrar a list containing the names and places of abode of a sufficient number of persons, qualified according to instructions issued under this Act to act as enumerators within his sub-district, and such persons, when approved by the superintendent registrar, shall be appointed by him enumerators for taking the census, subject nevertheless to the approval of the Registrar General. **Appointment of enumerators.**

(2.) Every registrar, with the approval of his superintendent registrar, shall assign a division to each enumerator, and shall distribute to the several enumerators in his sub-district the forms and instructions issued for that purpose under this Act and shall personally ascertain that each enumerator thoroughly understands

the manner in which the duties required of him are to be performed.

Preparation and filling up of schedules.

5.—(1.) Schedules shall be prepared by or under the direction of the Board for the purpose of being filled up by or on behalf of the several occupiers of dwelling-houses, with the following particulars, and no others, namely, particulars showing the name, sex, age, profession or occupation, condition as to marriage, relation to head of family, and birth place of every living person who abode in every house on the night of the census day, and in the case of a dwelling-house within Wales or the county of Monmouth, whether any such person speaks Welsh only or both Welsh and English, and showing also whether any such person was blind or deaf and dumb, or imbecile or lunatic; and also where the occupier is in occupation of less than five rooms the number of rooms occupied by him.

(2.) Every registrar shall in the course of the week ending on the Saturday next before the census day leave or cause to be left at every dwelling-house within his sub-district one or more of the said schedules for the occupier or occupiers thereof or of any part thereof, and on every such schedule shall be plainly expressed that it is to be filled up by the occupier with or for whom it is left, and that the enumerator will collect all such schedules within his division on the Monday then next following.

(3.) Every occupier with or for whom any such schedule has been so left, shall fill up the schedule to the best of his or her knowledge and belief, so far as relates to all persons dwelling in the house, story, or apartment occupied by him or her, and shall sign his or her name thereto, and shall deliver the schedule so filled up, or cause the same to be delivered, to the enumerator when required so to do.

(4.) If any such occupier wilfully refuses or without lawful excuse neglects to fill up the schedule to the best of his or her knowledge and belief, or to sign and deliver the same as by this Act required, or wilfully makes, signs, or delivers, or causes to be made, signed, or delivered, any false return of all or any of the matters specified in the schedule, he or she shall be liable to a fine not exceeding five pounds.

(5.) In this section the expression "dwelling-house" shall include every building and tenement of which the whole or any part is used for the purpose of human habitation, and where a dwelling-house is let or sub-let in different stories or apartments and occupied distinctly by different persons or families, a separate schedule shall be left with or for and filled up by the occupier of each such distinct story or apartment.

Collection and correction of schedules.

6. The enumerators shall visit every house in their respective divisions, and shall collect all the schedules so left within their division, from house to house, and so far as may be possible on the day next following the census day, and shall complete such of the schedules as on delivery thereof to them appear to be defective, and correct such as they find to be erroneous, and shall copy the schedules, when completed and corrected, into books to be provided for that purpose, and shall add thereto an account, according to the

best information which they are able to obtain, of all the persons present within their division on the night of the census day, but not included in the schedules collected by them.

**Particulars as to houses.**

**7.** Every enumerator shall also take an account of the inhabited houses, and of the houses then building and therefore uninhabited, and of all other uninhabited houses within his division.

**Particulars as to local areas.**

**8.** Every enumerator shall in the book into which he has copied the householders schedules and other particulars, distinguish the several parishes within his division, or such parts thereof as are within his division, and also those parishes or parts of parishes within his division which are within the limits of any administrative county, or of any parliamentary borough, or of any municipal borough, or of any urban sanitary district, or of any rural sanitary district, or of any ecclesiastical district or parish, or of any area prescribed in that behalf by the instructions.

**Summary of contents and delivery of book to registrar.**

**9.** Every enumerator shall make a summary in accordance with instructions issued under this Act of the contents of the book, and shall deliver the book to the registrar of his sub-district, with the householders schedules collected by him, and shall sign a declaration, in a form prescribed by the Board, to the effect that the book has been truly and faithfully filled up by him, and that to the best of his knowledge the same is correct.

**Registrars to verify enumerators books.**

**10.** The registrar to whom the enumerators books are delivered shall examine the same, and shall satisfy himself that the instructions in each case have been punctually fulfilled, and if they have not, shall cause any defect or inaccuracy in the books to be supplied so far as may be possible; and when the books have been made as accurate as is possible the registrar shall deliver them to the superintendent registrar of his sub-district, and thereafter shall transmit the householders schedules to the Registrar General.

**Examination of books and return to Registrar General.**

**11.** The superintendent registrar shall examine all the books so delivered to him, and shall satisfy himself how far the registrars have duly performed the duties required of them by this Act, and shall cause any inaccuracies which he may discover in the books to be corrected so far as may be possible, and shall, on or before the expiration of one month after the census day, or such other time as may be fixed by the Registrar General, return all the books to the Registrar General for the use of the Board.

**Abstract of returns to be printed and laid before Parliament.**

**12.** The Board shall cause a detailed abstract to be made of the said returns, and also a preliminary abstract which shall be printed and laid before both Houses of Parliament within five months next after the census day, if Parliament be then sitting, or if Parliament be not then sitting, then within the first fourteen days of the session then next ensuing.

**Masters, &c. of gaols, &c. to be enumerators of the inmates thereof.**

**13.** The governor, master, or keeper of every gaol, lock-up, workhouse, hospital, or lunatic asylum, and of every public or charitable institution which may be determined upon by the Registrar General, shall be the enumerator of the inmates thereof, and shall conform to such instructions as may be sent to him by the authority of the Board for obtaining the returns

required by this Act, so far as may be practicable, with respect to such inmates.

Overseers, peace officers, and relieving officers to act as enumerators.

**14.**—(1.) The overseers of the poor and the constables or other peace officers in every parish, and the relieving officers of every poor law union, shall act as enumerators under this Act within their respective parishes and unions, if required so to act by the Board; and where they so act shall be entitled to allowances as enumerators under this Act.

(2.) If any such overseer, relieving officer, constable, or other peace officer refuses or wilfully neglects so to act, and duly to perform the duties required of enumerators under this Act, he shall for every such offence be liable to a fine not exceeding ten pounds.

Returns of persons travelling or on shipboard, or not in houses.

**15.** The Board shall obtain, by such ways and means as appear to them best adapted for that purpose, returns of the particulars required by this Act with respect to all persons who during the night of the census day were travelling or on shipboard, or for any other reason were not abiding in any house of which account is to be taken by the enumerators and other persons as aforesaid, and shall include such returns in the abstract to be made by them as aforesaid.

Table of allowances to enumerators and others.

**16.** The Board shall cause to be prepared a table of allowances to be made to the several enumerators, registrars, superintendent registrars, and other persons employed in the execution of this Act; and that table, when approved by the Treasury, shall be laid before both Houses of Parliament on or before the first day of March next preceding the census day if Parliament be then sitting, or if Parliament be not then sitting, then within the first fourteen days of the session then next ensuing.

Certificate of payments to be made.

**17.** The superintendent registrar of every district shall within one month next after the census day certify to the Registrar General the total amount of the allowances to which he, and the registrars, enumerators, and other persons in that district, are respectively entitled according to the said table.

Payment of persons employed in execution of Act.

**18.** The Treasury shall, through the Registrar General, pay to each superintendent registrar, out of the money provided by Parliament for that purpose, the whole amount of the allowances to which the superintendent registrar, and the registrars, enumerators, and other persons in each district, are severally entitled according to the said table; and each superintendent registrar shall pay over or cause to be paid over to the registrars, enumerators and other persons in his district the allowances to which they are severally entitled according to the said table; and the receipts to be given by the registrars, enumerators, and other persons for payment of their said allowances shall be delivered to the superintendent registrar, who shall transmit the same, with the receipt for his own allowance, to the Registrar General:

Provided that no such payment shall be made to any enumerator or other person required to act as enumerator under this Act, except upon production of a certificate signed by the registrar that the duties required of such enumerator or other person by this Act

have been faithfully performed, and the like certificate shall be required from the superintendent registrar with respect to the registrar before any payment is made to the registrar, and from the Registrar General with respect to the superintendent registrar before any payment is made to the superintendent registrar.

**19.** If any superintendent registrar, registrar, enumerator, or other person who is bound under this Act if required to act as enumerator, makes wilful default in any of the matters required of him by this Act, or makes any wilfully false declaration, he shall for each offence be liable to a fine not exceeding five pounds. Penalty for wilful default.

**20.** The enumerators and other persons employed in the execution of this Act shall be authorised to ask all such questions as are directed in any instructions to be prepared by or under the direction of the Board which are necessary for obtaining the returns required by this Act; and if any person refuses to answer or wilfully gives a false answer to such questions, or any of them, he shall for each offence be liable to a fine not exceeding five pounds. Penalty for refusing information or giving false answers.

**21.** All fines imposed by this Act shall be recovered in manner provided by the Summary Jurisdiction Acts. Recovery of penalties.

**22.** This Act shall not extend to Scotland or Ireland. Extent of Act.

**23.** This Act may be cited as the Census (England and Wales) Act, 1890. Short title.

## CHAPTER 62.

### An Act to give further Powers to Companies with respect to certain Instruments under which they may be constituted or regulated. [18th August 1890.]

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

**1.**—(1.) Subject to the provisions of this Act, a company registered under the Companies Acts, 1862 to 1886, may, by special resolution, alter the provisions of its memorandum of association or deed of settlement with respect to the objects of the company, so far as may be required for any of the purposes herein-after specified, or alter the form of its constitution by substituting a memorandum and articles of association for a deed of settlement, either with or without any such alteration as aforesaid with respect to the objects of the company, but in no case shall any such alteration take effect until confirmed on petition by the court which has jurisdiction to make an order for winding up the company. Power for Company to alter objects or form of constitution subject to confirmation by court.

(2.) Before confirming any such alteration the court must be satisfied—

(*a.*) that sufficient notice has been given to every holder of debentures or debenture stock of the company, and any persons

or class of persons whose interests will, in the opinion of the court, be affected by the alteration; and

(*b.*) that, with respect to every creditor who in the opinion of the court is entitled to object, and who signifies his objection in manner directed by the court, either his consent to the alteration has been obtained or his debt or claim has been discharged or has determined, or has been secured to the satisfaction of the court.

Provided that the court may, in the case of any person or class of persons, for special reasons, dispense with the notice required by this section.

(3.) An order confirming any such alteration may be made on such terms and subject to such conditions as to the court seems fit, and the court may make such orders as to costs as it deems proper.

(4.) The court shall, in exercising its discretion under this Act, have regard to the rights and interests of the members of the company, or of any class of those members, as well as to the rights and interests of the creditors, and may, if it thinks fit, adjourn the proceedings in order that an arrangement may be made to the satisfaction of the court for the purchase of the interests of dissentient members; and the court may give such directions and make such orders as it may think expedient for the purpose of facilitating any such arrangement or carrying the same into effect: Provided always, that it shall not be lawful to expend any part of the capital of the company in any such purchase.

(5.) The court may confirm, either wholly or in part, any such alteration as aforesaid with respect to the objects of the company if it appears that the alteration is required in order to enable the company—

(*a.*) To carry on its business more economically or more efficiently; or

(*b.*) To attain its main purpose by new or improved means; or

(*c.*) To enlarge or change the local area of its operations; or

(*d.*) To carry on some business or businesses which under existing circumstances may conveniently or advantageously be combined with the business of the company; or

(*e.*) To restrict or abandon any of the objects specified in the memorandum of association or deed of settlement.

**Registration of order together with memorandum as altered or substituted memorandum and articles and consequences thereof.**

**2.**—(1.) Where a company has altered the provisions of its memorandum of association or deed of settlement with respect to the objects of the company, or has altered the form of its constitution by substituting a memorandum and articles of association for a deed of settlement, and such alteration has been confirmed by the court, an office copy of the order confirming such alteration, together with a printed copy of the memorandum of association or deed of settlement so altered, or together with a printed copy of the substituted memorandum and articles of association (as the case may be), shall be delivered by the company to the Registrar of Joint Stock Companies within fifteen days from the date of the order, and the registrar shall register the same, and shall certify

under his hand the registration thereof, and his certificate shall be conclusive evidence that all the requisitions of this Act with respect to such alteration and the confirmation thereof have been complied with, and thenceforth (but subject to the provisions of this Act) the memorandum or deed of settlement so altered shall be the memorandum of association or deed of settlement of the company, or, as the case may be, such substituted memorandum and articles of association shall apply to the company in the same manner as if the company were a company registered under Part I. of the Companies Act, 1862, with such memorandum and articles of association, and the company's deed of settlement shall cease to apply to the company.

(2.) If a company makes default in delivering to the registrar any document required by this Act to be delivered to him the company shall be liable to a penalty not exceeding ten pounds for every day during which it is in default.

**Short title and construction.**

**3.**—(1.) This Act may be cited as the Companies (Memorandum of Association) Act, 1890.

(2.) This Act and the Companies Acts, 1862 to 1886, shall be construed as one Act, and may be cited collectively as the Companies Acts, 1862 to 1890.

(3.) In this Act the expression "deed of settlement" includes any contract of co-partnery or other instrument constituting or regulating the company and not being an Act of Parliament, a royal charter, or letters patent.

## CHAPTER 63.

### An Act to amend the Law relating to the Winding up of Companies in England and Wales.

[18th August 1890.]

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

**Jurisdiction to wind up companies.**

**1.**—(1.) The courts having jurisdiction to wind up companies in England and Wales shall be the High Court, the chancery courts of the counties palatine of Lancaster and Durham, the county courts, and the Stannaries court.

(2.) Where the amount of the capital of a company paid up or credited as paid up exceeds ten thousand pounds, a petition to wind up the company or to continue the winding up of the company under the supervision of the court shall be presented to the High Court, or, in the case of a company situate within the jurisdiction of either of the palatine courts aforesaid, either to the High Court or to the palatine court having jurisdiction.

(3.) Where the amount of the capital of a company paid up or credited as paid up does not exceed ten thousand pounds, and the registered office of the company is situate within the jurisdiction

of a county court having jurisdiction under this Act, a petition to wind up the company or to continue the winding up of the company under the supervision of the court shall be presented to that county court.

(4.) Provided that where a company is formed for working mines within the Stannaries and is not shown to be actually working mines beyond the limits of the Stannaries, or to be engaged in any other undertaking beyond those limits, or to have entered into a contract for such working or undertaking, a petition to wind up the company or to continue the winding up of the company under the supervision of the court shall be presented to the Stannaries court whatever may be the amount of the capital of the company and wherever the registered office of the company is situate.

(5.) The Lord Chancellor may by order exclude a county court from having jurisdiction under this Act, and for the purposes of such jurisdiction may attach its district, or any part thereof, to the High Court or to any other county court, and may revoke or vary any such order. In exercising his powers under this section the Lord Chancellor shall provide that a county court shall not have jurisdiction under this Act unless it has for the time being jurisdiction in bankruptcy.

(6.) Every court having jurisdiction under this Act to wind up a company shall for the purposes of that jurisdiction have all the powers of the High Court, and every prescribed officer of the court shall perform any duties which an officer of the High Court may discharge by order of the judge thereof or otherwise in relation to the winding up of a company.

(7.) Nothing in this section shall invalidate a proceeding by reason of its being taken in a wrong court.

Conduct of winding-up business in High Court. 36 & 37 Vict. c. 66.

**2.** Subject to general rules and to orders of transfer made under the authority of the Supreme Court of Judicature Act, 1873, and the Acts amending it, the jurisdiction of the High Court under this Act shall, as the Lord Chancellor may from time to time by general order direct, be exercised, either generally or in specified classes of cases, either by such judge or judges of the Chancery Division of the High Court as the Lord Chancellor may assign to exercise that jurisdiction, or by the judge who, for the time being, exercises the bankruptcy jurisdiction of the High Court.

Transfer of proceedings.

**3.**—(1.) The winding up of a company or any proceedings therein may at any time and at any stage, and either with or without application from any of the parties thereto, be transferred from one court to another court, or may be retained in the court in which the proceedings were commenced, although it may not be the court in which the proceedings ought to have been commenced.

(2.) The powers of transfer given by the foregoing provisions of this section may, subject to and in accordance with general rules, be exercised by the Lord Chancellor or by any judge of the High Court having jurisdiction under this Act, or, as regards any case within the jurisdiction of any other court, by the judge of that court.

(3.) If any question arises in any winding up proceeding in a county court or in the Stannaries court which all the parties to the

proceeding, or which one of them and the judge of the court, may desire to have determined in the first instance in the High Court, the judge shall state the facts in the form of a special case for the opinion of the High Court, and thereupon the special case and the proceedings, or such of them as may be required, shall be transmitted to the High Court for the purposes of the determination.

Provisions as to liquidator.

**4.**—(1.) On an order being made by the court for winding up a company the officer herein-after mentioned shall, by virtue of his office, become the provisional liquidator of the company, and shall continue to act as such until he or another person becomes liquidator and is capable of acting as such.

(2.) The said officer shall be the official receiver, if any, attached to the court for bankruptcy purposes, or if there is more than one such official receiver, then such one of them as the Board of Trade may appoint, or, if there is no such official receiver, then an officer appointed for the purpose by the Board of Trade. Any such officer shall for the purpose of his duties under this Act be styled the official receiver.

(3.) When a person other than the official receiver is appointed liquidator of a company he shall be styled liquidator and not official liquidator of the company, and the provisions of the Companies Acts relating to the official liquidator shall, in their application to him, be construed as if the word "official" were omitted therefrom. Such a person shall not be capable of acting as liquidator until he has notified his appointment to the registrar of joint stock companies and given security in the manner prescribed to the satisfaction of the Board of Trade. He shall give the official receiver such information and such access to and facilities for inspecting the books and documents of the company, and generally such aid, as may be requisite for enabling that officer to perform his duties under this Act.

(4.) If any vacancy occurs in the office of liquidator of a company, the official receiver shall, by virtue of his office, be the liquidator during the vacancy.

(5.) The official receiver may be appointed by the court provisional liquidator of the company at any time after the presentation of the petition and before a winding-up order has been made.

(6.) Where an application is made to the court to appoint a receiver on behalf of the debenture holders or other creditors of a company the official receiver may be so appointed.

Power to appoint special manager.

**5.**—(1.) Where the official receiver becomes the liquidator of a company, whether provisionally or otherwise, he may, if satisfied that the nature of the estate or business of the company, or the interests of the creditors or contributories generally, require the appointment of a special manager of the estate or business of the company other than himself, apply to the court to, and the court may on such application, appoint a special manager thereof during such time as the court may direct, with such powers, including any of the powers of a receiver or manager, as may be entrusted to him by the court.

(2.) The special manager shall give such security and account in such manner as the Board of Trade direct.

(3.) The special manager shall receive such remuneration as may be fixed by the court.

Meeting of creditors

6.—(1.) When the court has made an order for winding up a company the official receiver shall summon separate meetings of the creditors and contributories of the company for the purpose of—

(*a*) determining whether or not an application is to be made to the court for appointing a liquidator in the place of the official receiver; and

(*b*) determining whether or not an application is to be made to the court for the appointment of a committee of inspection to act with the liquidator, and who are to be the members of such committee if appointed.

The court may make any appointment and order required to give effect to any such determination, and if there is a difference between the determinations of the meetings of the creditors and contributories in respect of any of the matters mentioned in the foregoing provisions the court shall decide the difference and make such order thereon as the court may think fit.

(2.) The provisions of the First Schedule to this Act shall, subject to such modifications as may be made therein by general rules, apply to any meeting summoned in pursuance of this section.

(3.) In case a liquidator is not appointed by the court the official receiver shall be the liquidator of the company.

Statement of company's affairs

7.—(1.) Where the court has made an order for winding up a company, there shall be made out and submitted to the official receiver a statement as to the affairs of the company in the prescribed form, verified by affidavit, and showing the particulars of the assets, debts, and liabilities of the company, the names, residences, and occupations of the creditors of the company, the securities held by them respectively, the dates when the securities were respectively given, and such further or other information as may be prescribed or as the official receiver may require.

(2.) The statement shall be submitted and verified by one or more of the persons who are at the time of the winding-up order the directors and by the person who is at that time the secretary or other chief officer of the company, or by such of the persons being or having been directors or officers of the company or having taken part in the formation of the company at any time within one year before the order for winding up the company, as the official receiver, subject to the direction of the court, may require to submit, and verify the same.

(3.) The statement shall be submitted within fourteen days from the date of the order, or within such extended time as the official receiver or the court may for special reasons appoint.

(4.) Any person making or concurring in making the statement and affidavit required by this section shall be allowed, and shall be paid by the official receiver, out of the assets of the company, such costs and expenses incurred in and about the preparation and making of such statement and affidavit as the official receiver may consider reasonable, subject to an appeal to the court.

(5.) If any person, without reasonable excuse, makes default in complying with the requirements of this section, he shall be liable

to a fine not exceeding ten pounds for every day during which the default continues.

(6.) Any person stating himself in writing to be a creditor or contributory of the company shall be entitled by himself or by his agent at all reasonable times, on payment of the prescribed fee, to inspect the statement submitted in pursuance of this section, and to a copy thereof or extract therefrom. But any person untruthfully so stating himself to be a creditor or contributory shall be guilty of a contempt of court and shall be punishable accordingly on the application of the liquidator or of the official receiver.

**Report on winding up and proceedings thereupon.**

**8.**—(1.) Where the court has made an order for winding up a company, the official receiver shall, as soon as practicable after receipt of the statement of the company's affairs, submit a preliminary report to the court—

(*a*) as to the amount of capital issued, subscribed, and paid up, and the estimated amount of assets and liabilities; and

(*b*) if the company has failed, as to the causes of the failure; and

(*c*) whether in his opinion further inquiry is desirable as to any matter relating to the promotion, formation, or failure of the company, or the conduct of the business thereof.

(2.) The official receiver may also, if he thinks fit, make a further report, or further reports, stating the manner in which the company was formed and whether in his opinion any fraud has been committed by any person in the promotion or formation of the company or by any director or other officer of the company in relation to the company since the formation thereof, and any other matters which in his opinion it is desirable to bring to the notice of the court.

(3.) The court may, after consideration of any such report, direct that any person who has taken any part in the promotion or formation of the company, or has been a director or officer of the company, shall attend before the court on a day appointed by the court for that purpose, and be publicly examined as to the promotion or formation of the company, or as to the conduct of the business of the company, or as to his conduct and dealings as director or officer of the company.

(4.) The official receiver shall take part in the examination, and for that purpose may, if specially authorised by the Board of Trade in that behalf, employ a solicitor with or without counsel.

(5.) The liquidator where the official receiver is not the liquidator and any creditor or contributory of the company may also take part in the examination either personally or by solicitor or counsel.

(6.) The court may put such questions to the person examined as to the court may seem expedient.

(7.) The person examined shall be examined on oath, and it shall be his duty to answer all such questions as the court may put or allow to be put to him. The person examined shall at his own cost prior to such examination, be furnished with a copy of the official receiver's report, and shall also at his own cost be entitled to employ at such examination a solicitor with or without counsel, who shall be at liberty to put such questions to the person examined as the

court may deem just for the purpose of enabling that person to explain or qualify any answers given by him. Provided always, that if such person is, in the opinion of the court, exculpated from any charges made or suggested against him, the court may allow him such costs as the court in its discretion may think fit. Notes of the examination shall be taken down in writing, and shall be read over to or by, and signed by, the person examined, and may thereafter be used in evidence against him. They shall also be open to the inspection of any creditor or contributory of the company at all reasonable times.

(8.) The court may, if it thinks fit, adjourn the examination from time to time.

(9.) A public examination under this section may, if the court so directs, and subject to general rules, be held before any judge of county courts, or before any officer of the Supreme Court, being an official referee, master, registrar in bankruptcy, or chief clerk, or before any district registrar of the High Court named for the purpose by the Lord Chancellor, or in the case of companies being wound up by a Palatine court, before a registrar of that court, and the powers of the court under sub-sections six, seven, and eight of this section may (except as to costs) be exercised by the person before whom the examination is held.

Committee of inspection.

9.—(1.) A committee of inspection appointed in pursuance of this Act shall consist of persons being creditors or contributories of the company or persons holding general powers of attorney from such persons in such proportions as may be agreed on by the meetings of creditors and contributories or as, in case of difference, may be determined by the court.

(2.) The committee of inspection shall meet at such times as they from time to time appoint, and, failing such appointment, at least once a month; and the liquidator or any member of the committee may also call a meeting of the committee as and when he thinks necessary.

(3.) The committee may act by a majority of their members present at a meeting, but shall not act unless a majority of the committee are present at the meeting.

(4.) Any member of the committee may resign his office by notice in writing signed by him, and delivered to the liquidator.

(5.) If a member of the committee becomes bankrupt, or compounds or arranges with his creditors, or is absent from five consecutive meetings of the committee without the leave of those members of the committee who together with himself represent the creditors or contributories as the case may be, his office shall thereupon become vacant.

(6.) Any member of the committee representing creditors may be removed by an ordinary resolution at any meeting of creditors of which seven days' notice has been given, stating the object of the meeting. Any member of the committee representing contributories may be removed by an ordinary resolution at any meeting of contributories, of which seven days' notice has been given stating the object of the meeting.

(7.) On a vacancy occurring in the office of a member of the committee, the liquidator shall forthwith summon a meeting of creditors or of contributories, as the case may require, for the purpose of filling the vacancy, and the meeting may, by resolution, re-appoint the same or appoint another creditor or contributory to fill the vacancy.

(8.) The continuing members of the committee, provided there be not less than two such continuing members, may act notwithstanding any vacancy in their body.

(9.) If there be no committee of inspection, any act or thing or any direction or permission by this Act authorised or required to be done or given by the committee may be done or given by the Board of Trade on the application of the liquidator.

**Power of court to assess damages against delinquent directors, officers, and promoters.**

**10.**—(1.) Where in the course of the winding up of a company under the Companies Acts it appears that any person who has taken part in the formation or promotion of the Company, or any past or present director, manager, liquidator, or other officer of the company, has misapplied or retained or become liable or accountable for any moneys or property of the company, or been guilty of any misfeasance or breach of trust in relation to the company, the court may, on the application of the official receiver, or of the liquidator of the company, or of any creditor or contributory of the company, examine into the conduct of such promoter, director, manager, liquidator, or other officer of the company, and compel him to repay any moneys or restore any property so misapplied or retained, or for which he has become liable or accountable, together with interest after such rate as the court thinks just, or to contribute such sums of money to the assets of the company by way of compensation in respect of such misapplication, retainer, misfeasance, or breach of trust as the court thinks just.

(2.) The provisions of this section shall apply in the winding up of any company under the Companies Acts whether the same is being wound up by or subject to the supervision of the court or is being wound up voluntarily, and whether the winding up commenced before or after the passing of this Act, and notwithstanding that the offence is one for which the offender may be criminally responsible.

**Payment of money into Bank of England.**

**11.**—(1.) An account, called the Companies Liquidation Account, shall be kept by the Board of Trade with the Bank of England, and all moneys received by the Board of Trade in respect of proceedings under this Act shall be paid to that account.

(2.) Every liquidator of a company which is being wound up by order of the court shall, in such manner and at such times as the Board of Trade, with the concurrence of the Treasury, direct, pay the money received by him to the Companies Liquidation Account at the Bank of England, and the Board of Trade shall furnish him with a certificate of receipt of the money so paid.

(3.) Provided that, if the committee of inspection satisfy the Board of Trade that for the purpose of carrying on the business of the company or of obtaining advances, or for any other reason, it

is for the advantage of the creditors or contributories that the liquidator should have an account with any other bank, the Board of Trade shall, on the application of the committee of inspection, authorise the liquidator to make his payments into and out of such other bank as the committee may select, and thereupon those payments shall be made in the prescribed manner.

(4.) If any such liquidator at any time retains for more than ten days a sum exceeding fifty pounds, or such other amount as the Board of Trade in any particular case authorise him to retain, then, unless he explains the retention to the satisfaction of the Board of Trade, he shall pay interest on the amount so retained in excess at the rate of twenty pounds per centum per annum, and shall be liable to disallowance of all or such part of his remuneration as to the Board shall seem just, and to be removed from his office by the Board, and shall be liable to pay any expenses occasioned by reason of his default.

(5.) All payments out of money standing to the credit of the Board of Trade in the Companies Liquidation Account shall be made by the Bank of England in the prescribed manner.

(6.) No liquidator of a company which is being wound up by order of the court shall pay any sums received by him as liquidator into his private banking account.

Powers of liquidator.

**12.**—(1.) The liquidator of a company which is being wound up by the court may, with the sanction either of the court or of the committee of inspection, carry on the business of the company, or bring or defend any legal proceeding in the name and on behalf of the company, or exercise any of the powers conferred by section one hundred and fifty-nine or section one hundred and sixty of the Companies Act, 1862.

25 & 26 Vict. c. 89.

(2.) The liquidator of any such company may, without the sanction of the court or of the committee of inspection, exercise any of the other powers conferred on the liquidator by section ninety-five of the Companies Act, 1862.

(3.) The exercise by the liquidator of the powers referred to in this section shall be subject to the control of the court, and any creditor or contributory may apply to the court with respect to any exercise or proposed exercise of any of those powers.

(4.) The liquidator of a company which is being wound up by order of the court may, with the sanction either of the court or of the committee of inspection, employ a solicitor or other agent to take any proceedings or do any business which the liquidator is unable to take or do himself. The sanction aforesaid must be a sanction obtained before the employment, except in cases of urgency, and in such cases it must be shown that no undue delay took place in obtaining the sanction.

Delegation to liquidator of certain powers of court.

**13.** General rules may be made for requiring or enabling all or any of the powers and duties conferred and imposed on the court by sections ninety-one, ninety-eight, ninety-nine, one hundred, one hundred and two, and one hundred and seven of the Companies Act, 1862, to be exercised or performed by the liquidator as an officer of the court, and subject to the control of the court.

Provided that the liquidator shall not, without the special leave of the court, rectify the register of members, and shall not make any call without either the special leave of the court or the sanction of the committee of inspection.

**Power for official receiver to apply as to voluntary winding up.**

**14.** Where a company is being wound up voluntarily or subject to the supervision of the court, the official receiver attached to the court having jurisdiction to wind up the company may present a petition that the company be wound up by the court, and thereupon, if the court is satisfied that the voluntary winding up or winding up subject to supervision cannot be continued with due regard to the interests of the creditors or contributories, it may make an order that the company be wound up by the court.

**Information as to pending liquidations.**

**15.**—(1.) If the winding up of a company is not concluded within one year after its commencement, the liquidator of the company shall, at such intervals as may be prescribed, until the winding up is concluded, send to the registrar of joint stock companies a statement in the prescribed form and containing the prescribed particulars with respect to the proceedings in and position of the liquidation. Any person stating himself in writing to be a creditor or contributory of the company shall be entitled, by himself or by his agent, at all reasonable times, on payment of the prescribed fee, to inspect the statement submitted in pursuance of this section, and to a copy thereof, or extract therefrom. But any person untruthfully so stating himself to be a creditor or contributory shall be guilty of a contempt of court, and shall be punishable accordingly on the application of the liquidator or of the official receiver.

(2.) If a liquidator makes default in complying with the requirements of this section he shall be liable to a fine not exceeding fifty pounds for each day during which the default continues.

(3.) If it appears from any such statement or otherwise that any liquidator of a company has in his hands or under his control any money representing unclaimed or undistributed assets of the company which have remained unclaimed or undistributed for six months after the date of their receipt, the liquidator shall forthwith pay the same to the Companies Liquidation Account at the Bank of England. Every such liquidator shall be entitled to the prescribed certificate of receipt for the moneys so paid, and that certificate shall be an effectual discharge to him in respect thereof.

(4.) For the purpose of ascertaining and getting in any money payable into the Bank of England in pursuance of this section, the like powers may be exercised and by the like authority as are exerciseable under section one hundred and sixty-two of the Bankruptcy Act, 1883, for the purpose of ascertaining and getting in the sums, funds, and dividends referred to in that section.

(5.) Any person claiming to be entitled to any money paid into the Bank of England in pursuance of this section may apply to the Board of Trade for payment of the same, and the Board of Trade may, on a certificate by the liquidator that the person claiming is entitled, make an order for the payment to that person of the sum due. Any person dissatisfied with the decision of the Board of Trade in respect of any claim made in pursuance of this section may appeal to the High Court.

(6.) This section shall apply whether the winding up of the company has commenced before or after the commencement of this Act.

Investment of surplus funds on general account.

**16.**—(1.) Whenever the cash balance standing to the credit of the Companies Liquidation Account is in excess of the amount which in the opinion of the Board of Trade is required for the time being to answer demands in respect of companies' estates, the Board of Trade shall notify the same to the Treasury, and shall pay over the same or any part thereof, as the Treasury may require, to the Treasury, to such account as the Treasury may direct, and the Treasury may invest the said sums, or any part thereof, in Government securities, to be placed to the credit of the said account.

(2.) Whenever any part of the money so invested is, in the opinion of the Board of Trade, required to answer any demands in respect of companies' estates, the Board of Trade shall notify to the Treasury the amount so required, and the Treasury shall thereupon repay to the Board of Trade such sum as may be required to the credit of the Companies Liquidation Account, and for that purpose may direct the sale of such part of the said securities as may be necessary.

(3.) The dividends on the investments under this section shall be paid to such account as the Treasury may direct, and regard shall be had to the amount thus derived in fixing the fees payable in respect of proceedings in the winding up of companies.

Separate accounts of particular estates.

**17.**—(1.) An account shall be kept by the Board of Trade of the receipts and payments in the winding up of each company, and when the cash balance standing to the credit of the account of any company is in excess of the amount which, in the opinion of the committee of inspection, is required for the time being to answer demands in respect of that company's estate, the Board of Trade shall, on the request of the committee, invest the amount not so required in Government securities, to be placed to the credit of the said account for the benefit of the said company.

(2.) Whenever any part of the money so invested is, in the opinion of the committee of inspection, required to answer any demands in respect of the estate of the company of the assets of which the money so invested formed part, the Board of Trade shall, on the request of the committee, raise such sum as may be required by the sale of such part of the said securities as may be necessary.

(3.) The dividends on the investments made under this section shall be paid to the credit of the company of the assets of which the money so invested formed part.

Interests on balances above two thousand pounds.

**18.** When the balance at the credit of any company's account in the hands of the Board of Trade exceeds two thousand pounds, and the liquidator gives notice to the Board of Trade that the excess is not required for the purposes of the liquidation, then such company shall be entitled to interest upon such excess at the rate of two per centum per annum.

Certain receipts and fees to be

**19.** The Treasury may from time to time issue to the Board of Trade in aid of the votes of Parliament, out of the receipts arising

from fees, fee stamps, and dividends on investments by the Treasury under this Act, any sums which may be necessary to meet the charges estimated by the Board of Trade in respect of salaries and expenses under this Act.

applied in aid of expenditure.

**20.**—(1.) Every liquidator of a company which is being wound up by order of the court shall, at such times as may be prescribed, but not less than twice in each year during his tenure of office, send to the Board of Trade, or as they direct, an account of his receipts and payments as such liquidator.

Audit of liquidators accounts.

(2.) The account shall be in a prescribed form, shall be made in duplicate, and shall be verified by a statutory declaration in the prescribed form.

(3.) The Board of Trade shall cause the accounts so sent to be audited, and for the purpose of the audit the liquidator shall furnish the Board with such vouchers and information as the Board may require, and the Board may at any time require the production of and inspect any books or accounts kept by the liquidator.

(4.) When any such account has been audited, one copy thereof shall be filed and kept by the Board, and the other copy shall be filed with the court, and each copy shall be open to the inspection of any creditor, or of any person interested.

(5.) The Board of Trade shall cause the account or a summary thereof when audited to be printed, and shall send a printed copy thereof by post to every creditor and contributory.

**21.** Every liquidator of a company which is being wound up by order of the court shall keep, in manner prescribed, proper books in which he shall from time to time cause to be made entries or minutes of proceedings at meetings, and of such other matters as may be prescribed, and any creditor or contributory of the company may, subject to the control of the court, personally or by his agent inspect any such books.

Books to be kept by liquidator.

**22.**—(1.) When the liquidator of a company which is being wound up by order of the court has realised all the property of the company, or so much thereof as can, in his opinion, be realised without needlessly protracting the liquidation, and distributed a final dividend, if any, to the creditors, and adjusted the rights of the contributories between themselves, and made a final return, if any, to the contributories, or has resigned, or has been removed from his office, the Board of Trade shall, on his application, cause a report on his accounts to be prepared, and, on his complying with all the requirements of the Board, shall take into consideration the report, and any objection which may be urged by any creditor, or contributory, or person interested against the release of the liquidator, and shall either grant or withhold the release accordingly, subject nevertheless to an appeal to the High Court.

Release of liquidators.

(2.) Where the release of a liquidator is withheld the court may, on the application of any creditor, or contributory, or person interested, make such order as it thinks just, charging the liquidator with the consequences of any act or default he may have done or made contrary to his duty.

(3.) An order of the Board releasing the liquidator shall discharge him from all liability in respect of any act done or default made by him in the administration of the affairs of the company, or otherwise in relation to his conduct as liquidator, but any such order may be revoked on proof that it was obtained by fraud or by suppression or concealment of any material fact.

(4.) Where the liquidator has not previously resigned or been removed, his release shall operate as a removal of him from his office.

Discretionary powers of liquidator and control thereof.

**23.**—(1.) Subject to the provisions of the Companies Acts, the liquidator of a company which is being wound up by order of the court shall, in the administration of the property of the company and in the distribution thereof amongst its creditors, have regard to any directions that may be given by resolution of the creditors or contributories at any general meeting, or by the committee of inspection, and any directions so given by the creditors or contributories at any general meeting shall in case of conflict be deemed to override any directions given by the committee of inspection.

(2.) The liquidator may from time to time summon general meetings of the creditors or contributories for the purpose of ascertaining their wishes, and it shall be his duty to summon meetings at such times as the creditors or contributories, by resolution, either at the meeting appointing the liquidator or otherwise, may direct, or whenever requested in writing to do so by one-tenth in value of the creditors or contributories as the case may be.

(3.) The liquidator may apply to the court in manner prescribed for directions in relation to any particular matter arising under the winding up.

(4.) Subject to the provisions of the Companies Acts, the liquidator shall use his own discretion in the management of the estate and its distribution among the creditors.

Appeal to court against liquidator.

**24.** If any person is aggrieved by any act or decision of the liquidator of a company which is being wound up by order of the court, he may apply to the court, and the court may confirm, reverse, or modify the act or decision complained of, and make such order in the premises as it thinks just.

Control of Board of Trade over liquidators.

**25.**—(1.) The Board of Trade shall take cognizance of the conduct of liquidators of companies which are being wound up by order of the court, and in the event of any such liquidator not faithfully performing his duties and duly observing all the requirements imposed on him by statute, rules, or otherwise, with respect to the performance of his duties, or in the event of any complaint being made to the Board by any creditor or contributory in regard thereto, the Board shall inquire into the matter, and take such action thereon as may be deemed expedient.

(2.) The Board may at any time require any liquidator of a company which is being wound up by order of the court to answer any inquiry made by them in relation to any winding up in which the liquidator is engaged, and may, if the Board think fit, apply to the court to examine on oath the liquidator or any other person concerning the winding up.

(3.) The Board may also direct a local investigation to be made of the books and vouchers of the liquidator of any company which is being wound up by order of the court.

**26.**—(1.) The Lord Chancellor may, with the concurrence of the President of the Board of Trade, make general rules for carrying into effect the objects of this Act. General rules and fees.

(2.) All general rules made under the foregoing provisions of this section shall be laid before Parliament within three weeks after they are made, if Parliament is then sitting, and if Parliament is not sitting, within three weeks after the beginning of the next session of Parliament, and shall be judicially noticed, and shall have effect as if enacted by this Act.

(3.) Any general rule made under this section shall not come into operation until the expiration of one month after the rule has been made and issued.

(4.) There shall be paid in respect of the proceedings under this Act such fees as the Lord Chancellor may, with the sanction of the Treasury, direct, and the Treasury may direct by whom and in what manner the same are to be collected and accounted for, and to what account they are to be paid.

(5.) All rules made and directions given by the Lord Chancellor under the foregoing provisions of this section shall be adopted by the authority for the time being empowered to make rules for regulating the practice or procedure in the chancery court of the County Palatine of Lancaster, but as so adopted shall have effect with the substitution of the words "vice-chancellor" for the word "judge," and the word "registrar" for the words "chief clerk," and of the words "chambers of the registrar" for the words "chambers of the judge" and "judge's chambers," and any directions as to the remuneration to be allowed to officers of that court in respect of proceedings under this Act shall be subject to the sanction of the Chancellor of the Duchy and County Palatine of Lancaster.

**27.**—(1.) The Board of Trade may, with the approval of the Treasury, appoint such additional officers as may be required by the Board for the execution of this Act, and may dismiss any person so appointed. Officers and remuneration.

(2.) The Board of Trade, with the concurrence of the Treasury, shall direct whether any and what remuneration is to be allowed to any officer of, or person attached to, the Board of Trade, performing any duties under this Act, and may vary, increase, or diminish such remuneration as they may think fit.

(3.) The Lord Chancellor, with the concurrence of the Treasury, shall direct whether any and what remuneration is to be allowed to any person (other than an officer of the Board of Trade) performing any duties under this Act, and may vary, increase, or diminish such remuneration as he may think fit.

**28.**—(1.) The Treasury shall annually cause to be prepared and laid before both Houses of Parliament an account for the year ending with the thirty-first day of March, showing the receipts and expenditure during that year in respect of proceedings under Annual accounts of receipts and expenditure in respect of

winding up proceedings. 38 & 39 Vict. c. 77.

this Act, whether commenced under this or any previous Act, and the provisions of section twenty-eight of the Supreme Court of Judicature Act, 1875, shall apply to the account as if the account had been required by that section.

(2.) The accounts of the Board of Trade under this Act shall be audited in such manner as the Treasury direct, and, for the purpose of the account to be laid before Parliament, the Board of Trade shall make such returns and give such information as the Treasury direct.

Returns by officers.

**29.**—(1.) The officers of the courts acting in the winding up of companies shall make to the Board of Trade such returns of the business of their respective courts and offices, at such times and in such manner and form as may be prescribed, and from such returns the Board of Trade shall cause books to be prepared which shall, under the regulations of the Board, be open for public information and searches.

(2.) The Board of Trade shall also cause a general annual report of all matters, judicial and financial, within this Act to be prepared and laid before both Houses of Parliament.

Proceedings of Board of Trade

**30.**—(1.) All documents purporting to be orders or certificates made or issued by the Board of Trade and to be sealed with the seal of the Board, or to be signed by a secretary or assistant secretary of the Board, or any person authorised in that behalf by the President of the Board, shall be received in evidence and deemed to be such orders or certificates without further proof unless the contrary is shown.

(2.) A certificate signed by the President of the Board of Trade that any order made, certificate issued, or act done, is the order, certificate, or act of the Board of Trade, shall be conclusive evidence of the fact so certified.

Application of Act

**31.**—(1.) This Act shall not, except where it is expressed to have a more extended application, apply to any company which is being wound up in pursuance of an order made before the commencement of this Act.

(2.) For the purposes of this Act a company shall not be deemed to be wound up by order of the court if the order is to continue a winding up under the supervision of the court.

(3.) This Act shall not apply to any company unless the registered office of the company is situate in England or Wales.

Interpretation of terms

**32.**—(1.) In this Act, unless the context otherwise requires,—

"The Companies Acts" means the Companies Act, 1862, and the Acts amending the same.

"General rules" means general rules made under this Act, and includes forms.

"Prescribed" means prescribed by general rules.

"Stannaries Court" means the court of the Vice-Warden of the Stannaries.

25 & 26 Vict. c 89

(2.) In Part IV. of the Companies Act, 1862, and in this Act the expression "the court," when used in relation to a company shall, unless the contrary intention appears, mean the court having jurisdiction under this Act to wind up the company.

(3.) For the purposes of this Act the expression "registered "office of a company" shall mean the place which has been the registered office of the company for the greater part of the six months immediately preceding the presentation of the petition for winding up the company, and shall include, in the case of an unregistered company, any place which in pursuance of section one hundred and ninety-nine of the Companies Act, 1862, is to be deemed the registered office of the company for the purpose of the winding up thereof.

**33.** The enactments mentioned in the Second Schedule to this Act are hereby repealed, as to England and Wales, to the extent appearing in the third column of that schedule. Repeal.

**34.** This Act shall come into operation on the first day of January one thousand eight hundred and ninety-one. Commencement of Act

**35.**—(1.) This Act may be cited as the Companies (Winding up) Act, 1890. Short title.

(2.) This Act and the Companies Acts, 1862 to 1886, may be cited together as the Companies Acts, 1862 to 1890.

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## SCHEDULES.

### FIRST SCHEDULE. Section 6.

#### MEETINGS OF CREDITORS AND CONTRIBUTORIES.

(1.) The meetings of creditors and contributories shall be held within twenty-one days after the date of the winding up order, or within such further time as the court may approve, unless a special manager has been appointed, in which case such meetings shall be held within one month from the date of such order, or within such further time as aforesaid.

(2.) The official receiver of the company shall summon the meeting by giving not less than seven days' notice of the time and place thereof in the London Gazette and in a local paper. Notice of such meeting shall also be sent by post to every person appearing by the company's books to be a creditor of the company and to every member of the company.

(3.) The official receiver shall also, as soon as practicable, send to each creditor mentioned in the company's statement of affairs, and to each person appearing from the company's books, or otherwise, to be a contributory of the company, a summary of the company's statement of affairs, including the causes of its failure, and any observations thereon which the official receiver may think fit to make; but the proceedings at any such meeting shall not be invalidated by reason of any summary or notice required by these rules not having been sent or received before the meeting.

(4.) The meeting shall be held at such place as is in the opinion of the official receiver most convenient for the majority of the creditors and contributories.

(5.) The official receiver, or some person nominated by him, shall be the chairman at the meetings.

(6.) A person shall not be entitled to vote as a creditor unless he has duly proved a debt to be due to him from the company, and the proof has been duly lodged before the time appointed for the meeting.

(7.) A creditor shall not vote in respect of any unliquidated or contingent debt, or any debt the value of which is not ascertained.

(8.) For the purpose of voting, a secured creditor shall, unless he surrenders his security, state in his proof the particulars of his security, the date when it was given, and the value at which he assesses it, and shall be entitled to vote only in respect of the balance (if any) due to him, after deducting the value of his security. If he votes in respect of his whole debt he shall be deemed to have surrendered his security, unless the court on application is satisfied that the omission to value the security has arisen from inadvertence.

(9.) A creditor shall not vote in respect of any debt on or secured by a current bill of exchange or promissory note held by him, unless he is willing to treat the liability to him thereon of every person who is liable thereon antecedently to the company, and against whom a receiving order in bankruptcy has not been made, as a security in his hands, and to estimate the value thereof, and for the purposes of voting, but not for the purposes of dividend, to deduct it from his proof.

(10.) It shall be competent to the official receiver, or to the liquidator, within twenty-eight days after a proof estimating the value of a security as aforesaid had been made use of in voting at any meeting, to require the creditor to give up the security for the benefit of the creditors generally on payment of the value so estimated, with an addition thereto of twenty per centum. Provided, that where a creditor has put a value on such security, he may, at any time before he has been required to give up such security as aforesaid, correct such valuation by a new proof, and deduct such new value from his debt, but in that case such addition of twenty per centum shall not be made if the liquidator requires the security to be given up.

(11.) The chairman of the meeting shall have power to admit or reject a proof for the purpose of voting, but his decision shall be subject to appeal to the court. If he is in doubt whether the proof of a creditor should be admitted or rejected he shall mark the proof as objected to, and shall allow the creditor to vote, subject to the vote being declared invalid in the event of the objection being sustained.

(12.) A creditor or a contributory may vote either in person or by proxy.

(13.) Every instrument of proxy shall be in the prescribed form, and shall be issued by an official receiver, or by the liquidator of the company, and every written part thereof shall be in the handwriting of the person giving the proxy, or of any manager or clerk or other person in his regular employment, or of a commissioner to administer oaths in the Supreme Court of Judicature in England.

(14.) General and special forms of proxy shall be sent to the creditors and contributories with the notice summoning the meeting, and neither the name nor description of the official receiver or of any other person shall be printed or inserted in the body of any instrument of proxy before it is so sent.

(15.) A creditor or a contributory may give a general proxy to his manager or clerk, or any other person in his regular employment. In such case the instrument of proxy shall state the relation in which the person to act thereunder stands to the creditor or contributory.

(16.) A creditor or a contributory may give a special proxy to any person to vote at any specified meeting, or adjournment thereof—

(*a*) for or against the appointment or continuance in office of any specified person as liquidator or member of the committee of inspection, and

(*b*) on all questions relating to any matter other than those above referred to and arising at any specified meeting or adjournment thereof.

(17.) A proxy shall not be used unless it is deposited with the official receiver before the meeting at which it is to be used.

(18.) Where it appears to the satisfaction of the court that any solicitation has been used by or on behalf of a liquidator in obtaining proxies or in

procuring the appointment of liquidator, except by the direction of a meeting of creditors or contributories, the court shall have power, if it think fit, to order that no remuneration shall be allowed to the person by whom or on whose behalf such solicitation may have been exercised, notwithstanding any resolution of the committee of inspection or of the creditors or contributories to the contrary.

(19.) A creditor or a contributory may appoint the official receiver to act in manner prescribed as his general or special proxy.

(20.) The chairman of the meeting may, with the consent of the meeting, adjourn the meeting from time to time and from place to place.

(21.) A meeting shall not be competent to act for any purpose except the election of a chairman, the proving of debts, and the adjournment of the meeting, unless there are present or represented thereat, at least three creditors or contributories, or all the creditors or contributories if their number does not exceed three.

(22.) If within half an hour from the time appointed for the meeting a quorum of creditors or contributories is not present or represented, the meeting shall be adjourned to the same day in the following week at the same time and place, or to such other day as the chairman may appoint, not being less than seven or more than twenty-one days.

(23.) The chairman of the meeting shall cause minutes of the proceedings at the meeting to be drawn up, and fairly entered in a book kept for that purpose, and the minutes shall be signed by him or by the chairman of the next ensuing meeting.

(24.) No person acting either under a general or a special proxy shall vote in favour of any resolution which would directly or indirectly place himself, his partner or employer, in a position to receive any remuneration out of the estate of the company otherwise than as a creditor rateably with the other creditors of the company: Provided that where any person holds special proxies to vote for an application to the court in favour of the appointment of himself as liquidator he may use the said proxies and vote accordingly.

## SECOND SCHEDULE.

Section 31.

### ENACTMENTS REPEALED AS TO ENGLAND AND WALES.

| Session and Chapter. | Title or Short Title. | Extent of Repeal. |
|---|---|---|
| 25 & 26 Vict. c. 89. - | The Companies Act, 1862 | Section eighty-one.<br>In section ninety-two the words "The court shall "determine whether "any and what security "is to be given by any "official liquidator on "his appointment."<br>Section ninety-seven.<br>Section one hundred and sixty-five. |
| 30 & 31 Vict. c. 131. - | The Companies Act, 1867 | Sections forty-one to forty-six. |

# CHAPTER 64.

An Act to amend the Law relating to the Liability of Directors and others for Statements in Prospectuses and other Documents soliciting applications for Shares or Debentures. [18th August 1890.]

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Short title.

**1.** This Act may be cited as the Directors Liability Act, 1890.

Construction.

**2.** This Act shall be construed as one with the Companies Acts, 1862 to 1890.

Liability for statements in prospectus.

**3.**—(1.) Where after the passing of this Act a prospectus or notice invites persons to subscribe for shares in or debentures or debenture stock of a company, every person who is a director of the company at the time of the issue of the prospectus or notice, and every person who having authorised such naming of him is named in the prospectus or notice as a director of the company or as having agreed to become a director of the company either immediately or after an interval of time, and every promoter of the company, and every person who has authorised the issue of the prospectus or notice, shall be liable to pay compensation to all persons who shall subscribe for any shares, debentures, or debenture stock on the faith of such prospectus or notice for the loss or damage they may have sustained by reason of any untrue statement in the prospectus or notice, or in any report or memorandum appearing on the face thereof, or by reference incorporated therein or issued therewith, unless it is proved—

(*a.*) With respect to every such untrue statement not purporting to be made on the authority of an expert, or of a public official document or statement, that he had reasonable ground to believe, and did up to the time of the allotment of the shares, debentures, or debenture stock, as the case may be, believe, that the statement was true; and

(*b.*) With respect to every such untrue statement purporting to be a statement by or contained in what purports to be a copy of or extract from a report or valuation of an engineer, valuer, accountant, or other expert, that it fairly represented the statement made by such engineer, valuer, accountant, or other expert, or was a correct and fair copy of or extract from the report or valuation. Provided always, that notwithstanding that such untrue statement fairly represented the statement made by such engineer, valuer, accountant, or other expert, or was a correct and fair copy of an extract from the report or valuation, such director, person named, promoter, or other person, who authorised the issue of the prospectus or notice as aforesaid, shall be liable to pay compensation as aforesaid if it be proved that he had no reasonable ground to believe that the

person making the statement, report, or valuation was competent to make it; and

(c.) With respect to every such untrue statement purporting to be a statement made by an official person or contained in what purports to be a copy of or extract from a public official document, that it was a correct and fair representation of such statement or copy of or extract from such document,

or unless it is proved that having consented to become a director of the company he withdrew his consent before the issue of the prospectus or notice, and that the prospectus or notice was issued without his authority or consent, or that the prospectus or notice was issued without his knowledge or consent, and that on becoming aware of its issue he forthwith gave reasonable public notice that it was so issued without his knowledge or consent, or that after the issue of such prospectus or notice and before allotment thereunder, he, on becoming aware of any untrue statement therein, withdrew his consent thereto, and caused reasonable public notice of such withdrawal, and of the reason therefor, to be given.

(2.) A promoter in this section means a promoter who was a party to the preparation of the prospectus or notice, or of the portion thereof containing such untrue statement, but shall not include any person by reason of his acting in a professional capacity for persons engaged in procuring the formation of the company.

(3.) Where any company existing at the passing of this Act, which has issued shares or debentures, shall be desirous of obtaining further capital by subscriptions for shares or debentures, and for that purpose shall issue a prospectus or notice, no director of such company shall be liable in respect of any statement therein, unless he shall have authorised the issue of such prospectus or notice, or have adopted or ratified the same.

(4.) In this section the word "expert" includes any person whose profession gives authority to a statement made by him.

**Indemnity where name of person has been improperly inserted as a director.**

**4.** Where any such prospectus or notice as aforesaid contains the name of a person as a director of the company, or as having agreed to become a director thereof, and such person has not consented to become a director, or has withdrawn his consent before the issue of such prospectus or notice, and has not authorised or consented to the issue thereof, the directors of the company, except any without whose knowledge or consent the prospectus or notice was issued, and any other person who authorised the issue of such prospectus or notice shall be liable to indemnify the person named as a director of the company, or as having agreed to become a director thereof as aforesaid, against all damages, costs, charges, and expenses to which he may be made liable by reason of his name having been inserted in the prospectus or notice, or in defending himself against any action or legal proceedings brought against him in respect thereof.

**Contribution from co-directors, &c.**

**5.** Every person who by reason of his being a director, or named as a director or as having agreed to become a director, or of his having authorised the issue of the prospectus or notice, has become

liable to make any payment under the provisions of this Act, shall be entitled to recover contribution, as in cases of contract, from any other person who, if sued separately, would have been liable to make the same payment.

# CHAPTER 65.

## An Act to provide for an Appeal from a Sanitary Authority failing to carry into effect the Allotments Act, 1887.

[18th August 1890.]

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Construction and short title. 50 & 51 Vict. c. 48.

1. This Act shall be construed as one with the Allotments Act, 1887 (in this Act referred to as the principal Act), and the principal Act and this Act may be cited together as the Allotments Acts, 1887 and 1890, and this Act may be cited as the Allotments Act, 1890.

Appeal to county council by persons entitled to make representation to sanitary authority. 45 & 46 Vict. c. 50.

2.—(1.) Where such representation as is authorised by section two of the principal Act has been made to the sanitary authority with respect to any district or parish, not being within the limits of a borough as defined by the Municipal Corporations Act, 1882, and any six persons qualified to make such representation consider that the circumstances of the district or parish are such as to make it the duty of the sanitary authority to take proceedings under that Act therein, and that the sanitary authority have failed to acquire land adequate and suitable in quality and position to provide a sufficient number of allotments, such persons may petition the county council of the county in which such district or parish is situate, stating the facts and requesting the council to put into force the principal Act for the purpose of providing a sufficient number of allotments for the district or parish

(2.) The council, if satisfied by the inquiry herein-after mentioned that the circumstances are such that land for allotments should be acquired, shall pass a resolution to that effect, and thereupon the powers and duties of the sanitary authority under the principal Act, so far as regards that district or parish, shall be transferred from the sanitary authority to the county council, and the county council, in substitution for the sanitary authority, shall proceed to acquire land in accordance with the principal Act, and otherwise execute that Act in the said district or parish.

Provided that this section shall not affect the property in, or any powers or duties of the sanitary authority in relation to, any land which before the passing of the said resolution was acquired by the sanitary authority under the principal Act.

Standing committee.

3.—(1.) For the purposes of this Act or the principal Act every county council, as soon as is conveniently practicable after the passing of this Act, and annually thereafter at the meeting for the

election of chairman, shall appoint under the Local Government Act, 1888, a standing committee not exceeding one fourth of their whole body. 51 & 52 Vict. c. 41.

(2.) For the purpose of any business under this Act relating to any district or parish wholly or partly situate in an electoral division, the county councillor representing that division shall, if not already appointed, be an additional member of the committee.

(3.) Any petition under this Act shall as of course, and without any order of the council, be referred to the standing committee, who, on being satisfied of the bona fides of the application, shall forthwith cause a local inquiry into the circumstances to be made, and shall report the result to the council.

(4.) An inquiry under this Act or the principal Act shall be held by such one or more members of the standing committee, or such officer of the county council or other person as the standing committee may appoint to hold the same.

**Supplemental provisions on council acquiring powers of sanitary authority**

**4.** Where the powers of the sanitary authority under the principal Act are, by virtue of this Act, transferred to the county council, the following provisions shall have effect:—

(*a.*) The principal Act shall apply with the modifications necessary for giving effect to this Act:

(*b.*) The county council may borrow for the purposes of this Act subject to the conditions, in the manner, and on the security of the rate, subject to, in, and on the security of which the sanitary authority might have borrowed under the principal Act, if this Act had not been passed. The council shall have power to charge the said rate with the repayment of the principal and interest of the loan; and such loan with the interest thereon shall be repaid by the sanitary authority in like manner, and such charge shall have the like effect, as if the loan were lawfully raised and charged on that rate by the sanitary authority:

(*c.*) The county council shall keep separate accounts of all receipts and expenditure under this Act, and, in the application of sub-section six of section ten of the principal Act, the Local Government Act, 1888, shall be substituted for the Public Health Act, 1875: 51 & 52 Vict. c. 41. 38 & 39 Vict. c. 55.

(*d.*) The county council may make a provisional order for the purchase of land on the recommendation of the standing committee, without any petition from the sanitary authority, and the council shall be considered as the promoters of the order:

(*e.*) The county council may delegate to the sanitary authority any powers under section six, section seven, or section eight of the principal Act (which sections relate to the management of the allotments, and the letting and use thereof, and the recovery of the rent and of possession thereof); and, subject to the terms of the delegation, all expenses and receipts arising in the exercise of the powers so delegated shall be paid and dealt with as expenses and receipts of the sanitary authority under the principal Act:

(*f.*) The county council, on the request of the sanitary authority, may, by order under their seal, transfer to that authority all or

any of the powers, duties, property, and liabilities vested in and imposed on the council by virtue of this Act as regards the district of such authority or any part thereof, and the property so transferred shall be deemed to have been acquired by that authority under the principal Act, and that authority shall act accordingly.

Use of schoolroom free of charge.

5. Any room in a school receiving a grant out of moneys provided by Parliament may, except during ordinary school hours, be used free of charge for the purpose of an inquiry under this Act, or for the purposes of this Act by the county council or any committee appointed under this Act, or, with the consent of any two managers, for the purpose of holding public meetings to discuss any question relating to allotments under this Act or the principal Act, but any damage done to the room and any expense incurred by the person or persons having control over the room on account of its being so used shall be paid by the county council or by the persons calling the meeting.

Nothing in this section shall give any right to hold a public meeting in a schoolroom (*a*) unless not less than six days before the meeting a notice of the intention to hold the meeting on the day and at the time specified in the notice, signed by the persons calling the meeting, being not less than six in number, and being persons qualified to make a representation to the local authority under the principal Act, has been given, if the school is under a school board, to the clerk of the board, and in any other case to one of the managers of the school, nor (*b*) if the use of the schoolroom on the said day and at the said time has previously to the receipt of the notice of the meeting been granted for some other purpose, but in that case the clerk or manager, or some one on his behalf, shall forthwith after the receipt of the notice, inform in writing one of the persons signing it that the use of the school has been so granted for some other purpose, and name some other day on which the schoolroom can be used for the meeting.

If the persons calling the meeting fail to obtain the use of a schoolroom under this section, they may appeal to the standing committee under this Act, and the committee shall forthwith decide the appeal and make such order respecting the use of the room as seems just.

Expenses

6.—(1.) All expenses incurred by the county council in executing the principal Act or this Act in any district or parish on default of a sanitary authority, or incurred by the council in or incidentally to a local inquiry under this Act, shall be paid in the first instance out of the county fund as for general county purposes, and, unless defrayed out of moneys received by the council in respect of any land acquired under this Act otherwise than by sale or exchange, or out of money borrowed as before in this Act mentioned, shall when the powers and duties of the sanitary authority under the principal Act are transferred to the county council in pursuance of this Act, be repaid to the county council as a debt by the sanitary authority.

(2.) All sums payable by a sanitary authority in pursuance of this Act shall be defrayed in like manner as expenses under the principal Act are required to be defrayed, save that in the case of a rural authority they shall, with the exception of the principal and interest of any money borrowed, or the rent of any land hired by the county council be charged as general expenses.

(3.) All sums received by a county council in respect of any land acquired under this Act otherwise than from any sale or exchange, in so far as they are not required for the payment of expenses incurred by them in respect of such land, shall be paid to the sanitary authority, and in the case of a rural sanitary authority shall be credited to the parish on account of which the land was acquired.

# CHAPTER 66.

## An Act to amend the Metropolis Management Acts.

[18th August 1890.]

BE it enacted by the Queen's most Excellent Majesty by and with the advice and consent of the Lords Spiritual and Temporal and Commons in this present Parliament assembled and by the authority of the same as follows:

**1.** This Act may be cited for all purposes as the Metropolis Management Amendment Act, 1890. Short title.

**2.** In this Act— Interpretation.

"The Metropolis Management Acts" includes the Metropolis Management Act, 1855, and any Acts amending the same. 18 & 19 Vict. c. 120.

Terms to which meanings are assigned by the Metropolis Management Acts have the same respective meanings.

"The council" means the London County Council.

**3.** Any vestry or district board may from time to time execute any necessary works of repair upon any or any part of any carriage road within their parish or district which shall have been used for not less than six months for public traffic and which may not at the time of such repair have become repairable by them, and shall not by undertaking such repair prejudice or affect the powers of such vestry or district board to apportion and recover the expenses of paving such road or way if and when the same shall be paved as a new street under the Metropolis Management Acts. Power to vestry or district board to repair a road or way not being a street.

The expenses of and incident to such repair may in the first instance be paid by the vestry or district board in the same manner as the expenses of repairing other streets repairable by them, and shall as soon as may be thereafter be apportioned upon and recovered from the owners of the houses and land bounding or abutting on such road or part thereof in the same manner as if such expenses were expenses of paving such road or part thereof as a new street under the provisions of the Metropolis Management Acts relative

thereto, and the amount of the expenses so apportioned may be recovered by the vestry or district board in a court of competent jurisdiction.

Provided that no railway company shall be liable under this section to pay the proportion of the expenses of and incident to such works of repair apportioned upon them in respect of lands abutting on any such road and used solely as part of their line of railway and sidings, and having no direct communication with such road, and the amount apportioned upon any such company in respect thereof shall be paid by the vestry or district board. But in the event of such company making a direct communication with such road before the same is taken over by the vestry or district board, a just share of the said expenses shall be payable by such company to the vestry or district board, and the amount of such share shall, in case of difference between the railway company and the vestry or district board, be fixed in a summary way by any metropolitan police magistrate in whose district such road shall be wholly or partly situate, and shall be payable on demand to the vestry or district board.

**Penalty for making sewers contrary to plans approved.**

4. Any person making any sewer, or branching any sewer or drain into any sewer vested in the council, without the approval in writing of the council first had and obtained, or otherwise than in accordance with a plan and section thereof approved by the council, or causing any such sewer or drain to be so made or branched shall be liable to a penalty not exceeding fifty pounds.

The council may by notice in writing to the owner or owners of the premises connected with the sewer or drain so improperly made or branched, or (if there are no such premises) of the land in which it is placed, require such owner or owners forthwith to remove such sewer or drain or to reconstruct the same at his or their expense to the approval of the council in accordance with the plan and section approved as aforesaid, and in the event of such owner or owners failing to comply with the terms of such requisition, such owner or owners, as the case may be, shall be severally liable to a penalty not exceeding five pounds for every day during which he or they shall fail to comply therewith. And the council may execute the works required and recover the costs and expenses thereof in a court of summary jurisdiction from the person who shall have made or branched, or caused to be made or branched, the sewer or drain, or from the owner or owners of the premises connected therewith, or (if there are no such premises) of the land in which it is placed. Provided that if the premises of more than one owner are at the time of the commencement of the work by the council connected with any such sewer, the costs and expenses thereof shall be apportioned amongst and recoverable from such owners in proportion to the rateable value of the premises respectively connected therewith.

Provided also that in the event of any such costs and expenses being paid to the council by any such owner or owners then such owner or owners shall be entitled to recover in a court of summary

jurisdiction the amount so paid by them from the person who made or branched or caused such sewer or drain to be made or branched in manner aforesaid.

**Penalty in case of connexions with local sewers.**

5. Any person making any sewer or branching any sewer or drain into any sewer vested in any vestry or district board without the approval in writing of such vestry or district board first had and obtained or otherwise than in accordance with the plan and section thereof, if any, approved by the council under the provisions of the Metropolis Management Acts relative thereto, or causing any such sewer or drain to be so made or branched, shall be liable to a penalty not exceeding fifty pounds. The vestry or district board concerned may, by notice in writing to the owner or owners of the premises connected with the sewer or drain so improperly made or branched, or (if there are no such premises) of the land in which it is placed, require such owner or owners forthwith to remove such sewer or drain or to reconstruct the same at his or their expense to the approval of such vestry or district board and in accordance with the plan and section approved as aforesaid, and in the event of such owner or owners failing to comply with the terms of such requisition, such owner or owners, as the case may be, shall be severally liable to a penalty not exceeding five pounds for every day during which he or they shall fail to comply therewith, and the vestry or district board may execute the works required and recover the costs and expenses thereof in a court of summary jurisdiction from the person who shall have made or branched or caused to be made or branched the sewer or drain, or from the owner or owners of the premises connected therewith, or (if there are no such premises) of the land in which it is placed.

Provided that if the premises of more than one owner are at the time of the commencement of the work by the vestry or district board connected with any such sewer, the costs and expenses thereof shall be apportioned amongst and recoverable from such owners in proportion to the rateable value of the premises respectively connected therewith.

Provided also that in the event of any such costs and expenses being paid to the vestry or district board by any such owner or owners, then such owner or owners shall be entitled to recover in a court of summary jurisdiction the amount so paid by them from the person who made or branched or caused such sewer or drain to be made or branched in manner aforesaid.

**Subsoil under a street road passage or way not to be removed without the consent of the vestry or district board or council.**

6. Subject to the provisions of this Act, it shall not be lawful after the passing of this Act to form or lay out or to commence to form or lay out any street road passage or way over land from which sand gravel or other subsoil has been excavated or removed, until the site and subsoil of the street road passage or way has been properly levelled and made good to a sufficient depth with stones gravel or other suitable material to form a sound foundation, to the satisfaction of the vestry or district board to be expressed in writing, and it shall not be lawful to excavate remove or take away

any sand gravel or subsoil from any land upon which any street road passage or way has been wholly or in part formed or laid out, or upon which it is intended to form or lay out any street road passage or way, except upon such conditions as to the levelling and making a proper foundation for the same as the vestry of the parish or district board of the district may in writing impose. Provided that this section shall not apply where no more sand gravel or subsoil has been or is intended to be excavated removed or taken away than is necessary to level or form a foundation for the paving metalling or flagging of any street road passage or way. If the vestry or district board shall refuse their approval in writing, or shall impose conditions, any company or person dissatisfied with such refusal or with such conditions may, within seven days from the date of receiving notice of such refusal or of such conditions, appeal to the Council, and such appeal shall stand referred to such committee of the Council as the Council may appoint, and such committee shall have power to confirm or reverse such refusal, or to vary the conditions imposed or impose such conditions as they may think fit, and their determination shall be final, and such committee may order any costs of such appeal to be paid to or by the vestry or district board or person appealing. Any company or person forming or laying out, or commencing to form or lay out, any street road passage or way, or excavating removing or taking away any sand gravel or subsoil contrary to the provisions of this Act or to the conditions imposed by the vestry or district board, or on appeal by the Council, shall for every such offence be liable to a penalty not exceeding five pounds, and to a further penalty not exceeding twenty shillings for every day after the first during which the offence is continued, or during which such excavation shall be permitted to remain without the consent in writing of the vestry or district board or on appeal of the Council.

Provided always that nothing in this section contained shall apply to any road passage or way formed or laid out, or to be formed or laid out, and intended to be maintained as a road passage or way not open to public use.

Provided also that nothing in this section contained shall prejudice or affect any existing rights of the owners of property fronting or abutting on any street, road, passage, or way, to excavate subsoil for the purpose of forming or constructing cellars, vaults, subways, or basements in connection with buildings erected on such property.

Surveyor or other officer to see that conditions are observed.

7. The surveyor of the vestry or district board, or other officer of the vestry or district board, or any officer appointed for that purpose by the Council, shall take care that the provisions of the preceding section are complied with, and that any conditions imposed by the vestry or district board or the Council in giving their consent in writing thereunder are observed.

Limited application of Act to city of London.

8. Except so far as relates to any sewers vested in the Council, none of the provisions contained in this Act shall have any force or effect within the city of London.

**9.** Penalties and expenses under this Act may be sued for and recovered either by the Council or by the vestry or district board concerned in the same manner as penalties under the Metropolis Management Act 1855 and the Acts amending the same. Penalties and expenses.

**10.** Any costs charges and expenses incurred by the Council of and incidental to the preparing applying for and passing of this Act shall be paid by the Council. Expenses of Act.

# CHAPTER 67.

## An Act to make provision respecting the Pensions, Allowances, and Gratuities of Police Constables in Scotland, and their Widows and Children, and to make other provisions respecting the Police of Scotland.

[18th August 1890.]

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

### PART I.

*Superannuation of Constables.*

**1.** Subject to the provisions of this Act, every constable in a police force— Right of constables to pensions.

(*a*) if he has completed not less than twenty-five years approved service, and is not less than fifty-five years, or, if a constable above the rank of sergeant, sixty years of age, shall, on the expiration of such time not exceeding four months after he has given written notice to the police authority of his desire to retire as the police authority may fix, be entitled without a medical certificate to retire and receive a pension for life; and

(*b*) if after he has completed twenty years approved service he is, in the opinion of the police authority, incapacitated for the performance of his duty by infirmity of mind or body, shall be entitled on a medical certificate to retire and receive a pension for life; and

(*c*) if before he has completed twenty years approved service he is incapacitated for the performance of his duty by infirmity of mind or body, shall be entitled on a medical certificate to retire, and thereupon the police authority may, if they think fit, grant him a gratuity; and

(*d*) if at any time he is incapacitated for the performance of his duty by infirmity of mind or body occasioned by an injury received in the execution of his duty without his own default, shall be entitled on a medical certificate to retire and receive a pension for life.

Pension allowances and gratuities to widow and children.

2.—(1.) If a constable dies whilst in a police force from the effect of an injury received in the execution of his duty without his own default, the police authority shall grant a pension to his widow, and allowances to his children.

(2.) If a constable dies whilst in a police force from any other cause, the police authority may, if they think fit, grant gratuities to his widow and children or any of them.

(3.) If a constable to whom a pension has been granted because he was incapacitated for the performance of his duty by an injury received in the execution of his duty, without his own default, dies from the effects of the injury within twelve months after the grant of the pension, the police authority may, if they think fit, grant a pension to his widow, either for a term of years or otherwise.

(4.) If a constable to whom a pension has been granted dies within twelve months after the grant of the pension, the police authority may, if they think fit, grant gratuities to his widow and children or any of them.

Pension scale.

3.—(1.) The pensions, allowances, and gratuities granted to constables of a police force and to their widows and children shall be in accordance with the pension scale for the force.

(2.) The pension scale for a force shall be—

(*a*) as regards ordinary pensions, the scale set forth in Part I. of the First Schedule to this Act; and

(*b*) as regards special pensions and allowances and gratuities, the scale set forth in Part II. of that Schedule.

(2.) The rules contained in Part III. of the First Schedule to this Act shall apply to all pensions, allowances, and gratuities granted under this Act.

Reckoning of service for pension.

4.—(1.) The service of a constable for the purposes of this Act shall be subject to such deductions in respect of sickness, misconduct, or neglect of duty as may be made therefrom in pursuance of the regulations of the force to which the constable belongs; and the expression "approved service" shall for the purposes of this Act mean such service as may after such deductions as aforesaid (if any) be certified under the order of the police authority to have been diligent and faithful service, but shall not, unless the regulations of the police force otherwise prescribe, include service before twenty-one years of age.

(2.) A certificate signed by the chief officer of a police force as to the period of a constable's approved service in that force shall be sufficient evidence thereof.

(3.) Where a deduction is made from a constable's service in respect of sickness, misconduct, or neglect of duty, notice of the deduction shall as soon as may be after the occurrence of the cause for which the deduction is made be given to the constable, and the constable may appeal to the chief officer of his police force against any act of an officer of police superior to the constable which prevents him from reckoning any period of actual service as approved service, and any period of actual service allowed by the chief officer on such appeal shall be deemed to be approved service.

(4.) Where a constable has served in more than one police force in Great Britain approved service in any such police force in which he has completed not less than three years approved service, and from which he has with the written sanction of the chief officer of that force removed to another force, shall be reckoned as approved service in the force in which the constable is serving at the time of his retirement.

(5.) Where a constable with the knowledge of the police authority or of the chief officer of his police force belongs to the army reserve or naval reserve and is called out for training or for permanent service, he shall be entitled, on returning to the police force after the end of such training or service, to reckon any approved service which he was entitled to reckon at the commencement thereof.

Proof of incapacity for duty, liability to serve again, and revision of pension.

5.—(1.) Before granting to a constable an ordinary pension on the ground of his being incapacitated by infirmity for the performance of his duty, the police authority shall be satisfied by the evidence of some legally qualified medical practitioner or practitioners, selected by the police authority, that the constable is so incapacitated, and that the incapacity is likely to be permanent.

(2.) Where the application is for a special pension the police authority shall also be satisfied that the injury was received by the constable in the execution of his duty, that it was received without the default of the constable, and that the infirmity is attributable to the injury, and shall also determine whether the injury was accidental or not, and whether the disability of the constable for earning his livelihood is total or partial, and for the purpose of determining any of the said questions which ought to be determined on medical grounds shall take the like evidence as above mentioned.

(3.) Where a pension is granted to a constable on the ground of incapacity for the performance of his duty, the police authority shall yearly or otherwise, until the power under this Act of requiring the constable to serve again ceases, satisfy themselves that the incapacity continues, and unless they resolve that such evidence is unnecessary, shall satisfy themselves by the like evidence as above mentioned.

(4.) In the event of the incapacity ceasing before the time at which the constable would, if he had continued to serve, have been entitled without a medical certificate to retire and receive a pension for life, the police authority may cancel his pension and require him to serve again in the police force, in a rank not less than the rank which he held before his retirement, at a rate of pay not less than the rate which he received before his retirement.

(5.) Where a constable so serves again, the provisions of this Act as to retirement and pensions, allowances, and gratuities shall apply as if he had not previously retired, save that except in the case of pensions for non-accidental injuries received in the execution of duty he shall not reckon as approved service the time which elapsed between his former retirement and the commencement of his service again.

(6.) Where a pension is granted to a constable on a scale applicable to total disability for earning a livelihood, it shall be so granted for such period as may be fixed by the police authority,

and if at the expiration of that period the pensioner continues to be totally so disabled the pension shall, in the discretion of the police authority, either be made permanent or renewed from time to time. If at any time before the pension is made permanent the police authority are satisfied by the evidence of a legally qualified medical practitioner selected by the police authority that the pensioner's disability for earning his livelihood has become partial, the pension shall, within the limits allowed by the pension scale, be reduced to the amount allowed by the provisions of the scale applicable to cases of partial disability.

(6.) If a constable fails or refuses, when required by the police authority, to be examined by some legally qualified medical practitioner selected by that authority, the police authority may deal with the constable in all respects as if they were satisfied by the evidence of such a practitioner that the constable is not incapacitated for the performance of his duty, or, as the case may be, is only partially disabled.

(7.) The decision of the police authority on the matters above in this section mentioned shall be final.

Power to reduce where infirmity partially due to misconduct.

6. Where a constable retires on account of infirmity of mind or body, and the police authority are satisfied on medical evidence that the constable has brought about or contributed to the infirmity by his own default or his vicious habits, the police authority may in their discretion reduce the amount of his pension by an amount not exceeding one half of the pension to which he would be otherwise entitled.

Assignment of pensions and regulations as to payment of pensions, &c

7. The following provisions shall have effect with respect to every pension, allowance, and gratuity (in this section referred to as a "grant") payable by the police authority to any person (in this section referred to as the pensioner):—

(1.) Every assignation of and security over a grant, and every agreement to assign or give security over a grant, shall, except so far as made for the benefit of the family of the pensioner, be void, and on the bankruptcy of the pensioner the grant shall not pass to any trustee or other persons acting on behalf of the creditors:

(2.) Where any parochial relief is given to a pensioner or to anyone whom he is liable to maintain, the police authority may pay the whole or any part of the grant to the parochial board or other authority giving the relief, and the same, when so paid, may be applied in repayment of any sums expended in such relief, and, subject thereto, shall be paid or applied by the parochial board or other authority to or for the benefit of the pensioner:

(3.) If the pensioner neglects to maintain any person whom he is liable to maintain, the police authority may in their discretion pay or apply the whole or any part of the grant to or for the benefit of that person:

(4.) If the pensioner appears to the police authority to be insane or otherwise incapacitated to act, the police authority may pay so much of the grant as the police authority think fit to the

institution or person having the care of the pensioner, and may pay the surplus (if any) or such part thereof as the authority think fit for or towards the maintenance and benefit of the wife and relatives of the pensioner:

(5.) On the death of a pensioner to whom a sum not exceeding one hundred pounds is due on account of a grant, then, if the police authority so direct, confirmation or other proof of the title of the personal representative of the deceased may be dispensed with, and the sum may be paid or distributed to or among the persons appearing to the police authority to be beneficially entitled to the personal estate of the deceased pensioner, or to or among any one or more of those persons, or in case of the illegitimacy of the deceased pensioner, to or among such persons as the police authority may think fit, and the police authority and any officer of the police authority making the payment shall be discharged from all liability in respect of any such payment or distribution:

(6.) Any sum payable to a minor on account of a grant may be paid either to the minor or to such person and on such conditions for the benefit of the minor as to the police authority seems expedient:

(7.) Where a payment is made to any person by a police authority in pursuance of this section, the receipt of that person shall be a good discharge to that authority for the sum so paid:

(8.) A police authority may, with the consent of the Secretary for Scotland, make rules with respect to declarations to be taken for any purpose relating to grants payable by that authority, and while any such rules made by a police authority are in force, a person shall not be entitled to receive any sum in respect of a grant payable by that authority until any declaration required by those rules has been made:

(9.) Any person who makes a false declaration for the purpose of the said rules, knowing the same to be untrue in any material particular, shall be liable on conviction to forfeit the grant, and shall also be liable on summary conviction to imprisonment, with or without hard labour, for a term not exceeding sixty days, or to a fine not exceeding twenty-five pounds, to be paid (notwithstanding anything in any other Act, whether relating to municipal corporations or otherwise) to the pension fund of the police authority by whom the rules were made, or on conviction by a jury to imprisonment, with or without hard labour, for a term not exceeding two years.

**Forfeiture of pension or allowance.**

**8.** A pension or allowance under this Act is granted only upon condition that it becomes forfeited, and may be withdrawn by the police authority, in any of the following cases:—

(*a*) if the grantee is convicted of any offence for which he is sentenced to penal servitude, or to imprisonment for a term exceeding three months with hard labour, or to imprisonment for a term exceeding twelve months whether with or without hard labour; or

(*b*) if the grantee knowingly associates with thieves or reputed thieves; or

(*c*) if the grantee refuses to give to the police all information and assistance in his power for the detection of crime, for the apprehension of criminals, and for the suppression of any disturbance of the public peace; or

(*d*) if the grantee enters into or continues to carry on any business, occupation, or employment which is illegal or in which he has made use of the fact of his former employment in the police in a manner which the police authority consider to be discreditable and improper.

Such forfeiture and withdrawal may affect the pension wholly or in part, and may be permanent or temporary, as the police authority may determine.

Punishment for obtaining pension, &c. by fraud.

**9.** If a person obtains any pension, gratuity, or allowance under this Act, or any payment on account of any such pension, gratuity, or allowance, by false representation, false evidence, or personation, or by malingering or feigning disease or infirmity, or by maiming or injuring himself, or causing himself to be maimed or injured, or otherwise producing disease or infirmity, or by any other fraudulent conduct, he shall be liable on summary conviction to imprisonment, with or without hard labour, for a term not exceeding sixty days, or to a fine not exceeding twenty-five pounds, to be paid (notwithstanding anything in any other Act whether relating to municipal corporations or otherwise) to the pension fund of the force from which he obtained the pension, gratuity, or allowance, and also to forfeit the pension, gratuity, or allowance obtained.

Saving of right of dismissal and reduction in rank

**10.** Nothing in this Act shall prejudice the existing right of any police authority to dismiss any constable, or to reduce him to any lower rank or lower rate of pay, or shall prevent his claim to pension from being refused on account of misconduct or of negligence in the discharge of his duties or on account of any of the grounds on which his pension, if granted, would be liable to be forfeited and withdrawn.

Appeal in case of forfeiture or refusal of pension or allowance.

**11.** In any of the following cases—

(*a*) where a pension after being granted to a constable has subsequently in pursuance of this Act been declared to have been forfeited, and

(*b*) where a constable is dismissed without a pension to which he would be otherwise entitled, and in any other case where a constable or the widow or child of a constable claims a pension or allowance under this Act as of right, and the police authority do not admit the claim,

such constable, widow, or child may apply to the police authority for a re-consideration of the claim to the pension or allowance, and if aggrieved by the decision upon such re-consideration may apply to the sheriff having jurisdiction in the place where the constable was last serving, and the sheriff, after inquiry into the case, may make such order in the matter as appears to him just, which order shall be final; but nothing in this section shall confer a right

to appeal against the exercise of any discretion, or against any decision which is declared by this Act to be final.

**12.** The provisions of this Act shall apply to a chief officer of police in like manner, so nearly as circumstances admit, as they apply to any other constable, except that, in the case of a chief officer, the certificate of approved service and the sanction to removal from one force to another may be given by a resolution of the police authority.

Application of Act to chief officer of police.

**13.**—(1.) Where a constable in receipt of a pension under this Act from a police authority takes service in any police force, his pension may be suspended by that police authority in whole or in part so long as he remains in that service.

Suspension of pension in case of appointment to new office.

(2.) If a constable in receipt of a pension under this Act is appointed to an office remunerated out of money provided by Parliament, or out of local rates, he shall not, while holding that office, receive more of the pension than together with the remuneration of that office is equal to one and a half times the remuneration of the office in respect of which the pension was awarded.

**14.** Where an officer of any police force is appointed to be one of Her Majesty's inspectors of constabulary, the police authority of that force shall pay to the Treasury out of the pension fund the same sum as they would under this Act pay, in the absence of agreement, if the officer had removed with proper sanction to another police force; and the officer on ceasing to be inspector shall be entitled for the purpose of any superannuation or other allowance to reckon as service as one of Her Majesty's inspectors the approved service which he was entitled to reckon in the police force.

Provisions as to certain cases of service in two capacities.

**15.**—(1.) The police authority of every police force shall deduct from the pay of every constable in the force—

(*a*) sums after the rate of two and a half per cent. per annum on his pay (in this Act referred to as the rateable deduction); and

(*b*) such stoppages during sickness, and such fines for misconduct, as may be provided by the regulations respecting the force.

Rateable deductions from pay to be carried to pension fund.

(2.) Where a constable in any police force removes with the written sanction of the chief officer of that force to some other police force the police authority of the first-mentioned force shall pay to the police authority of the latter force either a sum equal to the aggregate amount of the rateable deductions made from the pay of the constable during his service in the first-mentioned force, together with the aggregate amount of such proportion of the Exchequer contribution herein-after mentioned as has been paid in respect of those deductions, or such other sum as may be agreed on between the authorities.

**16.**—(1.) There shall be established under this Act a pension fund of every police force, and there shall be carried to that fund—

(*a*) the deductions (including stoppages and fines) made in pursuance of this Act from the pay of the constables in the force; and

Establishment of pension fund, and fines, &c. to be carried to fund.

(*b*) the fines imposed by a court of summary jurisdiction, when imposed on constables in the force; and

(*c*) the net sums arising from the sale of worn or cast clothing supplied for the use of constables of the force; and

(*d*) such proportion of any sum received on account of constables whose services have been lent in consideration of payment as the police authority may consider to be a fair contribution to the pension fund in respect of those constables; and

(*e*) the net sums received in the police area for pedlars' certificates.

Distribution of sums granted out of Customs and Excise duties for police superannuation.

**17.**—(1.) Any annual sum which under an Act passed in the present session relating to the distribution of certain duties of Customs and Excise is required to be distributed among the police authorities of the police forces in Scotland (which sum is in this Act referred to as the Exchequer contribution) shall be distributed according to the following basis of distribution, that is to say:—

(*a.*) In respect of the financial year current at the passing of this Act the said sum shall be distributed among the police authorities of every such police force in proportion to the number of efficient men in such force during the year ending the fifteenth day of March last preceding the end of such financial year, as ascertained by the Secretary for Scotland, and the proportion to be paid to each force shall be invested and applied in like manner as the rateable deductions herein-after mentioned.

(*b.*) There shall be paid in respect of every subsequent financial year to the police authority of every such police force a sum equal to the amount of the rateable deductions made during the year ending the fifteenth day of March last preceding the end of the financial year, from the pay of the constables belonging to that force, and that sum shall be invested and applied in like manner as those deductions.

(*c.*) The residue shall at the same time be distributed among the police authorities of those forces in proportion to the amounts paid during the year ending the fifteenth day of March last preceding the end of the financial year in respect of pensions, allowances, and gratuities out of their pension funds established under this Act respectively, and the proportion to be paid to each force shall be carried to the pension fund and may be dealt with as annual income of that fund.

(2.) Provided that a police authority shall not in respect of any year ending the fifteenth day of March receive any payment under this section unless the Secretary for Scotland gives a certificate that the management and efficiency of the police force under that authority and (after the year ending the fifteenth day of March current at the passing of this Act) the administration of the pension fund of that force have during that year been satisfactory; and if the Secretary for Scotland withholds that certificate as regards any police authority the amount which would otherwise be payable to that authority under this section shall be forfeited to the Crown and paid into the Exchequer.

(3.) Before any such certificate is finally withheld in respect of any police force, the Secretary for Scotland shall communicate with the

police authority of the force, and that authority may address any statement on the subject to the Secretary for Scotland; and in every case in which the certificate is withheld a statement of the grounds on which the Secretary for Scotland has withheld his certificate, together with any such statement of the police authority, shall be laid before Parliament.

(4.) The sums to be paid to each police authority under this section shall be certified by the Secretary for Scotland, who may, if he thinks proper, vary his certificate, but unless it is so varied his certificate shall be conclusive.

(5.) Where owing to any special circumstances affecting any particular police force the sum payable to that force under the foregoing provisions of this section would, in the opinion of the Secretary for Scotland, be inequitable as between that force and some other force or forces, the Secretary for Scotland may make such modification in the basis of distribution as appears to him to be necessary to meet the equities of the case.

(6.) The basis of distribution under this section may also be varied in such manner and in accordance with such conditions as may from time to time be set forth in regulations made by the Secretary for Scotland and submitted to Parliament. All such regulations shall be laid on the table of both Houses of Parliament, and shall not come into operation until they have lain on the table of each House for not less than thirty days on which that House has sat.

(7.) This section shall come into operation on the passing of this Act.

**Accounts and investment of pension fund.**

**18.**—(1.) All sums which, in pursuance of this Act, are to be carried to the pension fund of a police force shall be received and accounted for, and paid to the treasurer of that fund, in such manner as the police authority may direct.

(2.) The pension fund of a police force shall be kept as a separate fund, but the treasurer of the police fund shall be the treasurer of the pension fund, and all enactments and regulations relating to the accounts of the police fund, and to the making up, audit, and publication thereof, and to the power of disallowance (if any) and otherwise shall, so nearly as circumstances admit, apply to the pension fund.

(3.) The surplus of the annual income of the pension fund above the expenditure thereout shall, as soon as may be, be invested in such name as the police authority direct, and in any manner authorised by law for investments by trustees, and all investments on account of the fund, under this section or otherwise, are in this Act referred to as the capital of the pension fund.

(4.) There shall also be invested in accordance with the foregoing provisions as part of the capital of the pension fund and not applied as annual income the following sums, namely:—

(*a.*) The rateable deductions from the pay of constables; and

(*b.*) Any sum received by a police authority in respect of the transfer of a constable from one police force to another; and

(*c.*) The proportion carried to the pension fund of any sum received on account of constables whose services are lent in consideration of payment; and

(*d.*) That portion of the Exchequer contribution which is in pursuance of this Act to be invested and applied in like manner as the rateable deductions.

But, save as in this Act mentioned, all sums payable to a pension fund in pursuance of this Act, and all dividends and other annual sums received in respect of the investments of the pension fund, may be dealt with as annual income of the fund.

(5.) The sum required for the payment to be made by a police authority in respect of a constable who removes to another police force, or in respect of a constable to whom the whole or any part of the rateable deductions from his pay is paid on his leaving the force need not be paid out of the income of the pension fund, but may, if the police authority paying the same think fit, be paid either out of money in the hands of the treasurer and required by this Act to be invested or out of money raised by the realisation of a sufficient part of the capital of the pension fund.

(6.) Save as is expressly provided by this Act the capital of the pension fund shall not be applied for paying any sums payable out of that fund.

Guarantee of pension fund by police fund.

**19.**—(1.) If at any time the annual income of the pension fund is insufficient to pay the expenses of managing the fund, and the pensions, allowances, gratuities, and other sums payable thereout, the deficiency shall be paid out of the police fund.

(2.) The police authority may advance out of the police fund or may, without any consent, borrow on the security of that fund any moneys necessary to provide any sums becoming payable out of the pension fund, but such moneys, together with reasonable interest thereon, shall be repaid to the police fund, or be paid off by the police authority out of the first moneys paid to the pension fund as annual income of that fund for the year in respect of which such first-mentioned moneys were so advanced or borrowed.

20 & 21 Vict. c. 72.

(3.) In the case of a county divided into districts within the meaning of section fifty-eight of the Police (Scotland) Act, 1857, the deficiency shall be supplied by the several districts, as part of the local expenditure thereof, rateably in proportion to the number of constables appointed for each such district.

(4.) Where the police force of a burgh has been consolidated with the police force of a county, the deficiency shall be supplied out of the police funds of the county and burgh respectively in accordance with an agreement between the police authorities of the county and burgh made as nearly as may be in the same manner and subject to the same conditions as an agreement to consolidate the police force of a burgh with the police force of a county can be made, and in default of any such agreement shall be supplied in such manner as may be determined by a sole arbiter appointed by the Secretary for Scotland.

(5.) Where a burgh or police burgh forms part of a county under the provisions of section thirteen of the Local Government (Scotland)

Act, 1889, any deficiency as aforesaid shall be supplied under the provisions of section sixty of the said Act.

(6.) Where the rate which can be levied for the police fund of a burgh is limited, an addition to that rate may be levied for the purpose of raising the sum required to supply the deficiency.

**Power to consolidate pension funds in certain cases.**

**20.** Where, after the commencement of this Act, any two or more police forces are consolidated under the provisions of the Police (Scotland) Act, 1857, the pension funds of such forces may be consolidated in such manner and subject to such conditions, as nearly as may be in accordance with the provisions of this Act, as the Secretary for Scotland may determine upon the joint application of the police authorities of such forces; and the Secretary for Scotland may, on the like application, recall or vary his determination, but unless so recalled or varied, and if so varied, it shall have effect as if it were contained in this Act. Provided that any determination by the Secretary for Scotland under this section shall be laid on the table of both Houses of Parliament, and shall not come into operation until it has lain on the table of each house for not less than thirty days on which that House has sat.

**Repayment to police fund of advances.**

**21.** Where any deficiency in the annual income of the pension fund of a force shall have been paid out of the police fund, if at any time thereafter the annual income of the pension fund shall prove more than sufficient to pay the expenses of managing the fund, and the pensions, allowances, gratuities, and other sums payable thereout, the deficiency as aforesaid shall be repaid to the police fund out of the annual income.

**Power for police authority to make regulations.**

**22.** Every police authority may make regulations with respect to the deductions from a constable's service for sickness, misconduct, or neglect of duty, and with respect to stoppages of pay during sickness and fines for misconduct, and with respect to any other matter for which provision may be made for the purposes of this Act by regulations of a police force.

All regulations for a police force made before the commencement of this Act with respect to any of the above matters shall have effect as if made under the powers given by this section.

**Return of rateable deductions on leaving force.**

**23.** If a constable not having been dismissed for fraud or dishonesty leaves a police force without a pension or gratuity, the police authority shall pay him the whole or part of the rateable deductions which have been made from his pay; but this section shall not apply in the case of his being removed to another police force.

**Provisional orders by Secretary of State.**

**24.**—(1.) Where it appears to a police authority that the assets of their pension fund exceed the amount required for meeting the liabilities thereon, and that it is expedient to provide for the application of the excess or any part thereof, the police authority may apply to the Secretary for Scotland, and thereupon the Secretary for Scotland may frame and submit to Parliament for confirmation a provisional order authorising the payment out of the pension fund of such sums, for such purposes, during such period, and subject to such conditions as may seem expedient.

(2.) Where it appears to a police authority that by reason of their pension fund being sufficient to meet the liabilities thereon it is unnecessary to make any further investments on account of the capital thereof, the police authority may apply to the Secretary for Scotland, and thereupon the Secretary of Scotland may frame and submit to Parliament for confirmation a provisional order authorising the discontinuance of those investments.

(3.) A provisional order under this section shall be of no force unless and until it is confirmed by Act of Parliament, but when so confirmed shall have effect with any modifications made therein by Parliament.

(4.) If, while the Bill confirming any such order is pending in either House of Parliament, a petition is presented against any order comprised therein, the Bill, so far as it relates to that order, may be referred to a Select Committee, and the petitioner shall be allowed to appear and oppose as in the case of private Bills.

(5.) All costs, charges, and expenses incurred by the Secretary for Scotland in relation to any order under this section shall be defrayed by the authority applying for the order.

Limit of age for appointment, &c. to police force

**25.**—(1.) A person shall not be appointed to any police force unless—

(*a*) Except as herein-after mentioned, he is under the age of twenty-five years; and

(*b*) has been certified by a legally qualified medical practitioner, selected by the police authority, to be in good health and of sound constitution, and fitted to perform the duties of his office.

(2.) The limit of age in this section before mentioned shall not apply in the case of a person immediately transferred from another police force, or who has within the immediately preceding three months served in Her Majesty's navy or army; provided that such person, when he is transferred or appointed, shall not be more than thirty years of age.

(3.) The limit of age in the case of a chief officer of police on first appointment shall be forty-five years, or such less number of years as may from time to time be prescribed by the Secretary for Scotland.

Declaration by constables respecting previous service.

**26.** A police authority may require every constable at the time of his appointment to appear before a justice of the peace, and make and sign a declaration as to his previous service in a police force or public employment, in the form contained in the Second Schedule to this Act, or to the like effect; and if any constable knowingly makes a false declaration, he shall be liable, on summary conviction, to be imprisoned, with or without hard labour, for any period not exceeding sixty days.

## PART II.

### *Temporary and Supplemental Provisions.*

Application of Act to existing

**27.** For the purpose of adapting the provisions of Part I. of this Act to existing constables (that is to say, to constables

appointed to police forces before the commencement of this Act), the following provisions shall have effect: fund and constables.

(1.) Where the Exchequer contribution to the police authority of a police force becomes payable before a pension fund is established for the force in pursuance of this Act, the payment of the contribution shall be deferred until the Secretary for Scotland has certified that the fund is so established:

(2.) Every police authority shall, before the first day of January one thousand eight hundred and ninety-one, cause written notice to be given to every constable in the police force under that authority, requiring him to inform that authority in writing, before the date of the commencement of this Act, whether he does or does not accept the provisions of this Act in lieu of the existing enactments respecting superannuation and allowances or pensions:

(3.) This Act shall not apply to any existing constable who, before the date of the commencement of this Act, whether any such notice has or has not been given to him, declines in writing to accept the provisions of this Act; but save as aforesaid this Act shall apply to all existing constables; and those constables shall be deemed to have surrendered in favour of the police authority all right to any provision made before the commencement of this Act, either wholly or partly, by the police authority for the superannuation of such constables, or, in case of their death, for their widows and children, or any of them whether that provision is made by an annual allowance, insurance, or otherwise:

(4.) If by reason of the police authority not having given such notice as aforesaid an existing constable becomes entitled to a less pension than he would have been entitled to receive if this Act had not passed, he may apply to the sheriff, who may make such order as may seem just for the purpose of preventing the constable from suffering any loss by reason of the notice not having been given:

(5.) In the case of any constable who retires on a pension within seven years after the commencement of this Act without the rateable deductions having been made from his pay during all the years counted to his credit for pension, such pension shall be diminished by the equivalent, so near as may be, of the rateable deductions during every year for which such deductions have not been made. Such equivalent shall be calculated according to tables to be approved and certified by the Secretary for Scotland:

(6.) In the case of any existing constable to whom this Act applies, his approved service for any period before the commencement of this Act in the force in which he is serving at the time of his retirement shall be reckoned as approved service; and his service for not less than three years either wholly or partly before the commencement of this Act in any police force in Great Britain from which he removed with the sanction of the chief officer or police authority of that force to another force, shall (notwithstanding the sanction was no

given in writing) be reckoned as approved service for the said period in the last-mentioned force unless the police authority who give him the notice respecting the acceptance of this Act, inform him in writing at the time of such notice that they refuse to allow the said service to be reckoned, but their refusal shall not prevent the reckoning of that service under any other provision of this section:

(8.) Any description of service before the commencement of this Act, either in a police force or otherwise, which any existing constable to whom this Act applies is at the commencement of this Act entitled to reckon as service for any period towards superannuation out of the existing pension or superannuation fund of his police force, and which is not reckoned under any other provision of this Act, shall be reckoned for the same period for the purposes of pension under this Act:

(9.) The provisions of this Act as to an officer of police who has been appointed one of Her Majesty's inspectors of constabulary, with a salary paid out of money provided by Parliament, shall apply in the case of an officer so appointed before the commencement of this Act, in like manner as if he had been so appointed after the commencement of this Act.

Application of Act to Greenock Police Superannuation Fund.

**28.** Whereas the provost and magistrates of the burgh of Greenock are the trustees and administrators of a superannuation fund for the benefit of the police force within the said burgh, the following provisions shall, for the purpose of adapting the provisions of Part I. of this Act to the said fund, have effect:

(1.) The provost and magistrates of the said burgh shall retain the management and control of the said fund for the purpose of paying, and shall pay, any pension or other allowance or gratuity to any constable, or his widow and children to whom such pension or other allowance or gratuity shall have been granted before the commencement of this Act.

(2.) So soon as may be after the determination of all pensions or other allowances payable as aforesaid, the provost and magistrates of the said burgh shall transfer the said fund to the police authority of the said burgh under this Act as part of the pension fund established under this Act, and as part of the capital thereof: Provided always, that the provost and magistrates of the said burgh may from time to time, after the commencement of this Act, with the approval of the Secretary for Scotland, transfer to the said police authority such portion of the said fund as may be no longer required to meet the claims thereon.

(3.) All payments or contributions by members of the police force of the said burgh towards the said superannuation fund shall forthwith, after the commencement of this Act, cease and determine.

Act to supersede local Acts.

**29.** The provisions of this Act shall have effect, notwithstanding anything in any other Act, general or local, to the contrary.

**30.** In this Act, unless the context otherwise requires,— Definitions.

The expression "constable" means and includes the chief officer of any police force, and the other members of such force appointed by and subject to the orders of such chief officer:

The expression "police area" means one of the areas set forth in the first column of the Third Schedule to this Act; and the expressions "police authority," "chief officer of police," and "police fund," mean, as respects each police area, the authority, officer, and fund respectively mentioned opposite to that area in the second, third, and fourth columns of that schedule; and the expression "police force" means a force administered by one of the police authorities mentioned in the said schedule. Provided as follows: In the case of a county the powers of the police authority under this Act, with respect to the accounting for and payment of sums to be carried to the pension fund or police fund, and with respect to investments, and to advances from or borrowing on the security of the police fund and repaying sums advanced or paying off sums borrowed, shall be exercised by the county council, and any sum payable under this Act by the police authority shall be payable by the county council on the requisition of the standing joint committee of the commissioners of supply and county council:

The expression "court of summary jurisdiction" means the sheriff or any two justices of the peace sitting in open court or any magistrate or magistrates within the meaning of the Summary Jurisdiction Acts:

The expression "Police (Scotland) Act, 1857," means the Act twenty and twenty-one Victoria, chapter seventy-two:

The expression "treasurer" includes any officer, by whatever name known, who performs the duties of treasurer in relation to any police fund:

The expression "fine" includes a pecuniary penalty:

The expressions "county" and "burgh" and "police burgh" have the same meanings respectively as in the Local Government (Scotland) Act, 1889, but shall not include any burgh or police burgh not maintaining a separate police force: 52 & 53 Vict. c. 50.

The expression "medical certificate" means a medical certificate granted by a legally qualified medical practitioner, or legally qualified medical practitioners, selected by the police authority.

For the purposes of this Act, an injury to a constable shall be deemed to be accidental, if, in the opinion of the police authority, it was not primarily caused by the constable having knowingly encountered serious danger when he received it.

**31.** Notwithstanding anything in this Act or in any repeal by this Act every person in receipt of any superannuation, or other allowance at the commencement of this Act shall continue to be entitled to receive the same, subject to the same limitations and conditions as before the commencement of this Act, and the same shall not be altered under this Act, and shall, save as otherwise expressly provided by this Act, be paid out of the like funds, as nearly as may be, as if this Act had not passed. Saving for existing superannuations.

Repeal.

**32.** The Acts mentioned in the Fourth Schedule to this Act are hereby repealed to the extent in the third column of that schedule mentioned, and so much of any other Act as regulates the superannuation of any police force in Great Britain, or is inconsistent with this Act, is also hereby repealed:

Provided that this repeal shall not affect the right of any police authority to grant any superannuation or other allowance or gratuity to any existing constable to whom this Act does not apply, or to the widow and child of any such constable, or either of them, and shall not affect the right of any such constable, widow, or child to claim such superannuation or other allowance or gratuity, and any such allowance or gratuity may be granted and claimed accordingly, and the claim shall be allowed as if this Act had not passed.

Commencement of Act.

**33.** This Act shall come into operation on the first day of April one thousand eight hundred and ninety-one, except as to anything which is by this Act required or authorised to be done before that date, and except as to any provision which is expressed to come into operation on the passing of this Act.

Short title.

**34.** This Act may be cited as the Police (Scotland) Act, 1890.

Extent of Act.

**35.** This Act shall extend to Scotland only.

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## SCHEDULES.

Section 3.

### FIRST SCHEDULE.

#### PENSION SCALE.

#### PART I.

*Ordinary Pensions.*

(1.) The pension to a constable on retirement shall be as follows (that is to say)—

(*a*) if he has completed twenty years approved service an annual sum equal to twenty sixtieths of his annual pay; and

(*b*) if he has completed twenty-one years, but less than twenty-eight years, approved service, an annual sum equal to twenty sixtieths of his annual pay, with an addition equal to one sixtieth of his annual pay for every year of approved service above twenty years; and

(*c*) if he has completed twenty-eight years approved service, an annual sum equal to twenty-eight sixtieths of his annual pay, with an addition equal to two sixtieths of his annual pay for every year of approved service above twenty-eight years, so, however, that the pension shall not exceed two thirds of his annual pay.

#### PART II.

*Maximum of Gratuity to Constable.*

(2.) Any gratuity on retirement to a constable who is incapacitated for the performance of his duty shall not exceed the amount of one month's pay for every completed year of approved service.

*Special Pensions.*

(3.) The pension to a constable who is incapacitated for the performance of his duty by infirmity of mind or body occasioned by an injury received in the execution of his duty without his own default shall vary according as the injury is or is not accidental, and according as the constable is partially or totally disabled from earning his livelihood.

(4.) The pension scales in such cases shall be as follows:—

*Scale A.*

If the injury is accidental and the constable is partially disabled—

(*a*) if he has completed not more than five years approved service, an annual sum equal to ten sixtieths of his annual pay;

(*b*) if he has completed more than five and not more than ten years approved service, an annual sum equal to twelve sixtieths of his annual pay;

(*c*) if he has completed more than ten and not more than twenty years approved service, an annual sum equal to twenty sixtieths of his annual pay; and

(*d*) if he has completed more than twenty years approved service, an annual sum equal to the pension authorised under Article (1) of this schedule.

*Scale B.*

If the injury is accidental and the constable is totally disabled—

(*a*) if he has completed not more than ten years approved service, an annual sum equal to fifteen sixtieths of his annual pay;

(*b*) if he has completed more than ten and not more than twenty years approved service, an annual sum equal to twenty sixtieths of his annual pay;

(*c*) if he has completed more than twenty years approved service, an annual sum equal to the pension authorised under Article (1) of this schedule, with an addition equal to five sixtieths of his annual pay, provided that the pension shall not exceed two thirds of his annual pay.

*Scale C.*

If the injury is not accidental and the constable is partially disabled—

(*a*) if he has completed not more than ten years approved service, an annual sum equal to twenty sixtieths of his annual pay;

(*b*) if he has completed more than ten and not more than twenty years approved service, an annual sum equal to thirty sixtieths of his annual pay;

(*c*) if he has completed more than twenty years approved service, an annual sum equal to the pension authorised under Article (1) of this schedule, with an addition equal to ten sixtieths of his annual pay, provided that the pension shall not exceed two thirds of his annual pay.

*Scale D.*

If the injury is not accidental and the constable is totally disabled—

Such sum not exceeding full pay and not less than the amount prescribed by Scale C. as the police authority may determine.

*Pensions Allowances and Gratuities to Widow and Children.*

(5.) Where a constable without his own default loses his life from the effect of an injury received in the execution of his duty, the pension to his

widow and the allowances to his children shall be according to the following scale:—

(*a*.) The pension to the widow shall be an annual sum of fifteen pounds;

(*b*.) The allowance to each child shall be an annual sum of two pounds ten shillings, or, if there be no widow, such annual sum not exceeding five pounds as the police authority may determine:

Provided that the police authority may, in the case of a constable of a rank higher than that of sergeant, increase the above amounts, so, however, that the pension for a widow of an inspector do not exceed the annual sum of twenty-five pounds, and the pension for a widow of an officer of a rank higher than that of inspector do not exceed thirty pounds, and the allowance for a child of a constable of a rank higher than that of sergeant do not exceed the annual sum of five pounds.

(6.) Where a constable dies under circumstances which do not entitle his widow and children to a pension or allowance under the preceding article of this schedule, or, where a constable dies within twelve months after the grant of a pension, any gratuities to the widow and children shall not exceed in the whole the amount of one month's pay for every completed year of approved service of the deceased constable.

## PART III.

### GENERAL RULES.

(7.) The pension to a widow shall continue only while she remains a widow and is of good character.

(8.) The allowance to a child shall not continue after the child attains the age of fifteen years.

(9.) In estimating any pension, gratuity, or allowance for the purposes of this Act—

(*a*) a pension or gratuity to a constable shall be calculated according to the amount of his annual pay at the date of his retirement; the annual pay of a constable shall include boot money where a special allowance is made for that purpose;

(*b*) a pension or gratuity to the widow and an allowance or gratuity to a child of a constable shall be calculated according to the amount of the constable's annual pay at the date of his death;

(*c*) but where a constable has, in the course of the three years next before the date of his retirement or death, been in receipt of a different annual pay from that which he is receiving at that date, his annual pay at the date of the retirement or death shall be deemed to be the average annual amount of pay received by him for the said three years, instead of the annual amount actually received by him at that date.

Section 26.

## SECOND SCHEDULE.

### DECLARATION.

I, *A.B.*, now residing in the parish of in the county of , solemnly and sincerely declare that I have* never served in any police force in Great Britain, nor in the Royal Irish Constabulary, nor in the Royal Navy, nor in Her Majesty's army, nor in the militia, nor under the Post Office, nor under any public department

[*or* that I have served in the police force for years, from to , and in Her Majesty's army for years from to , and am now in the Army Reserve, but have not served

* Insert according to the circumstances.

in the Royal Irish Constabulary nor in the Royal Navy, nor in the militia, nor under the Post Office, nor under any public department, *or as the case may be*].

Declared before me.

(Signed) *A.B.*

At the day of 18

## THIRD SCHEDULE.

Section 30.

### POLICE AREAS AND AUTHORITIES.

| Police Area. | Police Authority. | Chief Officer of Police. | Police Fund. |
|---|---|---|---|
| A county - - | The standing joint committee of the commissioners of supply and the county council. | The chief constable | The police rate. |
| A burgh or police burgh. | The police commissioners or the town council acting as police commissioners. | The chief constable or superintendent. | The police rate or any fund or rate applicable to the expenses of the police force. |

## FOURTH SCHEDULE.

Section 32.

### ACTS REPEALED.

| Session and Chapter. | Title or Short Title. | Extent of Repeal. |
|---|---|---|
| 20 & 21 Vict. c. 72. - | An Act to render more effectual the police in counties and burghs in Scotland. | Sections fifty-two and fifty-three. |
| 25 & 26 Vict. c. 101. | The General Police and Improvement (Scotland) Act, 1862. | Section one hundred and twenty-one from "and also to make "provision" down to end of section. |

# CHAPTER 68.

## An Act to amend the Public Libraries (England) Acts.

[18th August 1890.]

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Who shall be voters.

**1.** The persons who shall be voters for all purposes of the Libraries Acts shall be—

(*a.*) Where the library district, as defined by this Act, is a borough or part of a borough, the burgesses of that borough, and the burgesses enrolled in respect of qualifications in such part, respectively; and

(*b.*) Elsewhere, the county electors registered in respect of qualifications in the library district.

All references in the Libraries Acts to ratepayers or vestries or to persons assessed to and paying any rate shall be construed with respect to any library district as references to the voters mentioned in this section.

Amendment of law as to ascertaining opinion of voters.

**2.**—(1.) The procedure for ascertaining the opinion of the voters for any purpose of the Libraries Acts shall be by voting papers and not otherwise.

(2.) Any requisition under the Libraries Acts (which for the purposes of this Act includes a request of a town council) shall be addressed to the district authority requiring them or him to ascertain the opinion of the voters with respect to the question or questions stated in the requisition, and such authority shall, subject to the provisions of this section, proceed to ascertain the opinion of the voters by voting papers according to the provisions of this Act.

(3.) All expenses in connection with ascertaining the opinion of the voters in any library district by means of voting papers shall be borne in like manner as the expenses of holding a public meeting under the Libraries Acts are to be borne with respect to that district, or would be borne if this Act had not passed.

Limitations of rate

**3.** The Libraries Acts may be adopted for any library district subject to a condition that the maximum rate to be levied in the district or in any defined portion of the district in any one year for the purposes of the said Acts shall not exceed one halfpenny or shall not exceed three farthings in the pound, and such limitation if fixed at one halfpenny may be subsequently raised to three farthings, or altogether removed, or where it is for the time being fixed at three farthings may be removed, and for the purpose of removing or raising such limitation the like proceedings shall be taken as are required to be taken with respect to the adoption of the Libraries Acts.

Provided that the district authority shall not ascertain the opinion of the voters upon any question with respect to the limitation of the rate unless requested to do so by the requisition, and unless the question is one which the voters are under this section authorised to determine.

Provided also, that nothing in this Act shall be construed to authorise the levy of any rate exceeding one penny in the pound for any one year in any library district, except the city of London.

Regulations for ascertaining the opinion of the voters.

**4.** The procedure for ascertaining the opinion of the voters for the purposes of the Libraries Acts shall be in accordance with the regulations contained in the First Schedule to this Act.

**5.** Where the opinion of the voters in any library district is ascertained, either upon the question as to the adoption of the Libraries Acts, or upon the question as to the limitation of the rate, no further proceeding shall be taken for ascertaining the opinion of the voters until the expiration of one year at least from the day when the opinion of the voters was last ascertained, that is to say, the day on which the voting papers were collected.

One year to expire after ascertainment of opinion of voters.

**6.** Where the Libraries Acts have been adopted for any library district which comprises any other library district, no proceeding shall be taken for the adoption thereof for such last-mentioned district without the consent of the Local Government Board; but, save as aforesaid, the Libraries Acts may be adopted for any library district.

Adoption of principal Act for larger area excludes adoption for smaller area comprised therein.

**7.** Section three of the Public Libraries Acts Amendment Act, 1889, shall be extended so as to enable any library authority, with the consent of the voters and of the Charity Commissioners, to agree for the like purposes as in that section mentioned with the governing body of any library established or maintained out of funds subject to the jurisdiction of the Charity Commissioners, and situate in or near the library district, and the inhabitants of such library district shall be entitled to use the said library so long as the agreement shall continue in force, and the other provisions of that section shall apply.

Amendment of 52 Vict. c. 9. s. 3.

**8.** Any person holding land for ecclesiastical, parochial, or charitable purposes may, subject as herein-after provided, grant, convey, or enfranchise by way of gift, sale, or exchange for any of the purposes of the Libraries Acts, any quantity of such land, not exceeding in any one case one acre, in any manner vested in such person.

Power to grant charity lands for library purposes.

Provided that no ecclesiastical property shall be granted or conveyed for such purposes without the consent of the Ecclesiastical Commissioners for England; that no parochial property shall be so granted or conveyed save by the guardians of the Poor Law Union comprising the parish to which the property belongs, or without the consent of the Local Government Board; and that no other charitable property shall be so granted or conveyed without the consent of the Charity Commissioners; and the land taken in exchange or the moneys received for such sale shall be held on the same trusts as the land exchanged or sold. Provided also that land situated in the metropolis or in any town of over twenty thousand inhabitants which is held on trusts to be preserved as an open space, or on trusts which prohibit building thereon, shall not be granted or conveyed for the purposes of this Act.

Any land granted or conveyed to any library authority under this section may be held by such authority without any licence in mortmain.

**9.** The power conferred upon the board of any Improvement Act district by section eighteen of the Public Libraries Act, 1855, as amended by the Public Libraries Acts Amendment Act, 1887, of appropriating for the purposes of the first-mentioned Act any lands

Extension of 18 & 19 Vict. c. 70, s. 18, to the Metropolis.

vested in them, shall extend to the vestry of any parish in the Metropolis, and to the Board of Works of any district therein, provided that such Act shall have been adopted in such parish or district.

Definitions.

**10.** For the purposes of this Act—

The expression "Libraries Acts" means this Act and the Acts with which this Act is to be construed as one:

The expression "library district" means any district for which the Libraries Acts may, subject to the provisions of this Act, be adopted:

The expression "district authority" means the body or person whose duty it would have been, but for the passing of this Act, to convene a public meeting in any library district under the Libraries Acts:

The expression "county electors" means the persons registered as county electors under the County Electors Act, 1888.

51 Vict. c. 10.

Repeal.

**11.** The enactments specified in the Second Schedule to this Act are hereby repealed to the extent in the third column of that schedule mentioned, without prejudice to anything done in pursuance of those enactments.

Short title and construction.

**12.** This Act may be cited as the Public Libraries Acts Amendment Act, 1890, and this Act and the Public Libraries (England) Acts, 1855 to 1889, may be collectively cited as the Public Libraries (England) Acts, 1855 to 1890.

This Act shall be construed as one with the Public Libraries (England) Acts, 1855 to 1889.

Extent of Act.

**13.** This Act shall not extend to Scotland or Ireland.

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## SCHEDULES.

Section 4.

### FIRST SCHEDULE.

REGULATIONS for ascertaining the opinion of the voters in a library district.

For the purposes of these regulations the expression "presiding officer" means, in the city of London or any borough, the Lord Mayor, or mayor, or a person appointed by such Lord Mayor or mayor respectively, in any Improvement Act district, or Local Government district, the chairman of the commissioners or board, or a person appointed by him, and elsewhere a person appointed by the district authority to act as presiding officer.

#### I.—PROCEDURE BY VOTING PAPERS.

1. The district authority shall, before the day appointed for the issuing of the voting papers, provide the presiding officer with a copy of the burgess roll or county register, as the case may be, or of such part or parts thereof as shall contain the names of all the voters in the library district.

2. On the day appointed for issuing the voting papers the presiding officer shall send by post or cause to be delivered to every voter at his address appearing in the roll or register a voting paper in the form contained in Part III. of this schedule or to the like effect.

3. Every voting paper shall bear the number of the voter on the roll or register, as the case may be, and shall contain directions to the voter, in accordance with these regulations, as to the day on which and the hours within which the voting paper is to be collected or sent, and as to the place at which, if sent, it will be received.

4. The district authority shall, before the issue of the voting papers, appoint such a number of competent persons as may be necessary to collect and receive the voting papers and to assist in the scrutiny thereof on such terms and for such remuneration as may be reasonable, and shall also appoint a convenient place within the district at which the voting papers are to be received, but the district authority shall not be required to collect any voting papers which have been sent by them to addresses beyond the limits of the district.

5. Voting papers shall be collected between 8 a.m. and 8 p.m. of the third day after that on which they were issued. Such day is herein-after in these regulations referred to as the polling day, and such last-mentioned hour is herein-after referred to as the "conclusion of the poll."

6. A voting paper shall not after collection be delivered up to any person except the presiding officer or a person appointed to receive voting papers.

7. The persons appointed to collect the voting papers shall, either before or as soon as may be after the conclusion of the poll, deliver the voting papers collected by them to the presiding officer or to a person appointed to receive the same.

8. A voting paper may be sent by prepaid post or by hand to the presiding officer at the place appointed by the district authority for the receipt thereof, so that it be received by the presiding officer at such appointed place before the conclusion of the poll. Voting papers, except those collected by persons appointed by the district authority, shall not be received at the appointed place after the conclusion of the poll.

9. Every person appointed to collect voting papers shall be appointed in writing by the district authority, and shall carry such writing with him while employed in the collection, and shall show it to any voter who may require him to do so. If any person so appointed fails to comply with this regulation, or if any unauthorised person fraudulently receives or induces any voter to part with a voting paper, such person shall be guilty of a misdemeanor, and liable, on conviction, to imprisonment for a term not exceeding six months, or to a fine not exceeding twenty pounds, or to both imprisonment and fine.

10. A voting paper which contains the answer "yes" or "no" to any question put to the voters and is duly signed shall be deemed to be a valid voting paper with respect to that question.

A voting paper shall be deemed to be duly signed if signed by the voter with his full name or ordinary signature.

11. Where any voter is unable to write he may cause his voting paper to be filled up by another person. In such case he shall attach his mark to the voting paper, and such mark shall be attested by such other person, who shall sign his name and append his address thereto. A voting paper to which such mark is attached, and which is duly attested, shall be deemed to be duly signed.

12. Any person fabricating a voting paper, or presenting or returning a fabricated voting paper, knowing that the same does not bear the true answer or signature of the voter to whom it was sent or intended to be sent, shall be guilty of personation, and liable to the penalties of that offence, as provided by the Ballot Act, 1872.

13. The presiding officer shall, as soon as may be after the conclusion of the poll, proceed to a scrutiny of the voting papers, and shall compare the

same with his copy of the roll or register, and ascertain how far the voting papers have been duly signed by the voters.

14. A question put to the voters shall be deemed to be answered and determined in the affirmative or negative, according as the majority of valid voting papers returned contain the answer "yes" or "no" to that question.

15. Immediately on the conclusion of the scrutiny the presiding officer shall report to the district authority the number of voters who have voted "yes" and "no" respectively to each question put to them, and the number of voting papers which are invalid.

16. The presiding officer shall seal up in separate packets the valid and invalid voting papers, and shall transmit them, together with his report, to the district authority.

17. Upon receiving the report of the presiding officer the district authority shall cause the result of the poll to be made public in such manner as they shall think fit.

## III.—FORM OF VOTING PAPER.

*Public Libraries Acts.*

BOROUGH (Parish or other Library District) of

No. (Here insert number of voter in borough roll or county register, as the case may be.)

| | | |
|---|---|---|
| [*To be omitted if Libraries Acts already adopted.*] Question 1 - | Are you in favour of the adoption of the Libraries Acts for the borough (or parish, &c.) of . | Answer 1. (*To be filled in* "Yes" *or* "No".) |
| [*To be omitted if no question stated in the requisition as to limitation of rate.*] Question 2 - | Are you in favour of the rate being limited to one halfpenny in the pound? (*Or* to three farthings, *or* of the existing limitation of the rate under the Libraries Acts being removed, *or* of the existing limitation to one halfpenny being raised to three farthings, *as the case may requires*) | Answer 2. (*To be filled in* "Yes" *or* "No".) |
| [*To be omitted if no such question raised.*] Question 3 - | Are you in favour of an agreement being made with (*here designate the body or bodies, according to section three of the Public Libraries Acts Amendment Act*, 1889, *or section seven of this Act*) for the purpose of (*briefly state objects of proposed agreement.*) | Answer 3. (*To be filled in* "Yes" *or* "No.") |

Signature of Voter.

Note. 1. This voting paper will be collected by an authorised collector between the hours of 8 a.m. and 8 p.m. on day, the 18 (*insert polling day*), or may be sent by prepaid post or by hand, addressed to (*state name or designation of presiding officer, and place appointed by the district authority*). If it is sent it must be received at such address before 8 p.m. on the above-mentioned day.

2. You may require the collector to show his authority in writing. No authority is valid unless it is (signed by *A.B.*, *or* sealed, or *as the district authority may direct*).

SECOND SCHEDULE. Section 11.

| Year and Chapter. | Title of Act. | Extent of Repeal. |
|---|---|---|
| 18 & 19 Vict. c. 70. - | The Public Libraries (England) Act, 1855. | Section eight, from "Provided always" to the end of the section. Section twenty-three. |
| 40 & 41 Vict. c. 54. - | The Public Libraries Amendment Act, 1877. | The whole Act. |
| 50 & 51 Vict. c. 22. - | The Public Libraries Acts Amendment Act, 1887. | Section eleven. |

# CHAPTER 69.

## An Act to amend the Settled Land Acts, 1882 to 1889.

[18th August 1890.]

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

### *Preliminary.*

**1.** This Act may be cited as the Settled Land Act, 1890. Short title.

**2.** The Settled Land Acts, 1882 to 1889, and this Act are to be read and construed together as one Act, and may be cited as the Settled Land Acts, 1882 to 1890. Acts to be construed together.

**3.** Expressions used in this Act are to have the same meanings as those attached by the Settled Land Acts, 1882 to 1889, to similar expressions used therein. Interpretation.

### *Definitions.*

**4.**—(1.) Every instrument whereby a tenant for life, in consideration of marriage or as part or by way of any family arrangement, not being a security for payment of money advanced, makes an assignment of or creates a charge upon his estate or interest under the settlement is to be deemed one of the instruments creating the settlement, and not an instrument vesting in any person any right as assignee for value within the meaning or operation of section fifty of the Act of 1882. Instrument in consideration of marriage, &c. to be part of the settlement. 45 & 46 Vict. c. 38.

(2.) This section is to apply and have effect with respect to every disposition before as well as after the passing of this Act, unless inconsistent with the nature or terms of the disposition.

*Exchanges.*

Creation of easements on exchange or partition.

**5.** On an exchange or partition any easement, right, or privilege of any kind may be reserved or may be granted over or in relation to the settled land or any part thereof, or other land or an easement, right, or privilege of any kind may be given or taken in exchange or on partition for land or for any other easement, right, or privilege of any kind.

*Completion of Contracts.*

Power to complete predecessor's contract.

**6.** A tenant for life may make any conveyance which is necessary or proper for giving effect to a contract entered into by a predecessor in title, and which if made by such predecessor would have been valid as against his successors in title.

*Leases.*

Provision as to leases for 21 years.

**7.** A lease for a term not exceeding twenty-one years at the best rent that can be reasonably obtained without fine, and whereby the lessee is not exempted from punishment for waste, may be made by a tenant for life—

45 & 46 Vict. c. 38.

(i.) Without any notice of an intention to make the same having been given under section forty-five of the Act of 1882; and

(ii.) Notwithstanding that there are no trustees of the settlement for the purposes of the Settled Land Acts, 1882 to 1890; and

(iii.) By any writing under hand only containing an agreement instead of a covenant by the lessee for payment of rent in cases where the term does not extend beyond three years from the date of the writing.

Provision as to mining leases.

**8.** In a mining lease—

(i.) The rent may be made to vary according to the price of the minerals or substances gotten, or any of them:

(ii.) Such price may be the saleable value, or the price or value appearing in any trade or market or other price list or return from time to time, or may be the marketable value as ascertained in any manner prescribed by the lease (including a reference to arbitration), or may be an average of any such prices or values taken during a specified period.

Power to reserve a rentcharge on a grant in fee simple

**9.** Where, on a grant for building purposes by a tenant for life, the land is expressed to be conveyed in fee simple with or subject to a reservation thereout of a perpetual rent or rentcharge, the reservation shall operate to create a rentcharge in fee simple issuing out of the land conveyed, and having incidental thereto all powers and remedies for recovery thereof conferred by section forty-four of the Conveyancing and Law of Property Act, 1881, and the rentcharge so created shall go and remain to the uses on the trusts and subject to the powers and provisions which, immediately before the conveyance, were subsisting with respect to the land out of which it is reserved.

44 & 45 Vict. c. 41.

*Mansion and Park.*

Restriction on sale of mansion.

**10.**—(1.) From and after the passing of this Act section fifteen of the Act of 1882, relating to the sale or leasing of the principal mansion house, shall be and the same is hereby repealed

(2.) Notwithstanding anything contained in the Act of 1882, the principal mansion house (if any) on any settled land, and the pleasure grounds and park and lands (if any) usually occupied therewith, shall not be sold, exchanged, or leased by the tenant for life without the consent of the trustees of the settlement or an order of the Court.

(3.) Where a house is usually occupied as a farmhouse, or where the site of any house and the pleasure grounds and park and lands (if any) usually occupied therewith do not together exceed twenty-five acres in extent, the house is not to be deemed a principal mansion house within the meaning of this section.

*The Raising of Money.*

**Power to raise money by mortgage.**

**11.**—(1.) Where money is required for the purpose of discharging an incumbrance on the settled land or part thereof, the tenant for life may raise the money so required, and also the amount properly required for payment of the costs of the transaction on mortgage of the settled land, or of any part thereof, by conveyance of the fee-simple or other estate or interest the subject of the settlement, or by creation of a term of years in the settled land, or any part thereof, or otherwise, and the money so raised shall be capital money for that purpose, and may be paid or applied accordingly.

(2.) Incumbrance in this section does not include any annual sum payable only during a life or lives or during a term of years absolute or determinable.

*Dealings as between Tenant for Life and the Estate.*

**Provision enabling dealings with tenant for life.**

**12.** Where a sale of settled land is to be made to the tenant for life, or a purchase is to be made from him of land to be made subject to the limitations of the settlement, or an exchange is to be made with him of settled land for other land, or a partition is to be made with him of land an undivided share whereof is subject to the limitations of the settlement, the trustees of the settlement shall stand in the place of and represent the tenant for life, and shall, in addition to their powers as trustees, have all the powers of the tenant for life in reference to negotiating and completing the transaction.

*Application of Capital Money.*

**Application of capital money.**

**13.** Improvements authorised by the Act of 1882 shall include the following; namely,

(i.) Bridges;

(ii.) Making any additions to or alterations in buildings reasonably necessary or proper to enable the same to be let;

(iii.) Erection of buildings in substitution for buildings within an urban sanitary district taken by a local or other public authority, or for buildings taken under compulsory powers, but so that no more money be expended than the amount received for the buildings taken and the site thereof;

(iv.) The rebuilding of the principal mansion house on the settled land: Provided that the sum to be applied under this sub-section shall not exceed one-half of the annual rental of the settled land.

Capital money in Court may be paid out to trustees.

**14.** All or any part of any capital money paid into Court may, if the Court thinks fit, be at any time paid out to the trustees of the settlement for the purposes of the Settled Land Acts, 1882 to 1890.

Court may order payment for improvements executed.

**15.** The Court may, in any case where it appears proper, make an order directing or authorising capital money to be applied in or towards payment for any improvement authorised by the Settled Land Acts, 1882 to 1890, notwithstanding that a scheme was not, before the execution of the improvement, submitted for approval, as required by the Act of 1882, to the trustees of the settlement or to the Court.

*Trustees.*

Trustees for the purposes of the Act.

**16.** Where there are for the time being no trustees of the settlement within the meaning and for the purposes of the Act of 1882, then the following persons shall, for the purposes of the Settled Land Acts, 1882 to 1890, be trustees of the settlement; namely,

(i.) The persons (if any) who are for the time being under the settlement trustees, with power of or upon trust for sale of any other land comprised in the settlement and subject to the same limitations as the land to be sold, or with power of consent to or approval of the exercise of such a power of sale, or, if there be no such persons, then

(ii.) The persons (if any) who are for the time being under the settlement trustees with future power of sale, or under a future trust for sale of the land to be sold, or with power of consent to or approval of the exercise of such a future power of sale, and whether the power or trust takes effect in all events or not.

Application of provisions of 44 & 45 Vict. c. 41. as to appointment of trustees.

**17.**—(1.) All the powers and provisions contained in the Conveyancing and Law of Property Act, 1881, with reference to the appointment of new trustees, and the discharge and retirement of trustees, are to apply to and include trustees for the purposes of the Settled Land Acts, 1882 to 1890, whether appointed by the Court or by the settlement, or under provisions contained in the settlement.

(2.) This section applies and is to have effect with respect to an appointment or a discharge and retirement of trustees taking place before as well as after the passing of this Act.

(3.) This section is not to render invalid or prejudice any appointment or any discharge and retirement of trustees effected before the passing of this Act otherwise than under the provisions of the Conveyancing and Law of Property Act, 1881.

Extension of meaning of "working classes" in

**18.** The provisions of section eleven of the Housing of the Working Classes Act, 1885, and of any enactment which may be substituted therefor, shall have effect as if the expression "working

classes" included all classes of persons who earn their livelihood by wages or salaries: Provided that this section shall apply only to buildings of a rateable value not exceeding one hundred pounds per annum. 48 & 49 Vict. c. 72.

**19.** The registration of a writ or order affecting land may be vacated pursuant to an order of the High Court or any judge thereof. Power to vacate registration of writ.

# CHAPTER 70.

## An Act to consolidate and amend the Acts relating to Artizans and Labourers Dwellings and the Housing of the Working Classes. [18th August 1890.]

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

**1.** This Act may be cited as the Housing of the Working Classes Act, 1890. Short title of Act.

### PART I.

### UNHEALTHY AREAS.

**2.** In this part of this Act— Definitions.

The expression "this part of this Act" includes any confirming Act, and

The expression "the Acts relating to nuisances" means—

as respects the county of London and city of London, the Nuisances Removal Acts as defined by the Sanitary Act, 1866, and any Act amending these Acts; and

as respects any urban sanitary district in England, the Public Health Acts; 29 & 30 Vict c. 90. s. 14.

and in the case of any of the above-mentioned areas, includes any local Act which contains any provisions with respect to nuisances in that area.

**3.** This part of this Act shall not apply to rural sanitary districts. Application of Part I. of Act.

*Scheme by Local Authority.*

**4.** Where an official representation as herein-after mentioned is made to the local authority that within a certain area in the district of such authority either— Local authority on being satisfied by official representation of the unhealthiness of district to make scheme for its improvement.

(*a.*) any houses, courts, or alleys are unfit for human habitation, or

(*b.*) the narrowness, closeness, and bad arrangement, or the bad condition of the streets and houses or groups of houses within

such area, or the want of light, air, ventilation, or proper conveniences, or any other sanitary defects, or one or more of such causes, are dangerous or injurious to the health of the inhabitants either of the buildings in the said area or of the neighbouring buildings,

and that the evils connected with such houses, courts, or alleys, and the sanitary defects in such area cannot be effectually remedied otherwise than by an improvement scheme for the re-arrangement and reconstruction of the streets and houses within such area, or of some of such streets or houses, the local authority shall take such representation into their consideration, and if satisfied of the truth thereof, and of the sufficiency of their resources, shall pass a resolution to the effect that such area is an unhealthy area, and that an improvement scheme ought to be made in respect of such area, and after passing such resolution they shall forthwith proceed to make a scheme for the improvement of such area.

Provided always, that any number of such areas may be included in one improvement scheme.

Official representation, by whom to be made

**5.**—(1.) An official representation for the purposes of this part of this Act shall mean a representation made to the local authority by the medical officer of health of that authority, and in London made either by such officer or by any medical officer of health in London.

(2.) A medical of officer of health shall make such representation whenever he sees cause to make the same; and if two or more justices of the peace acting within the district for which he acts as medical officer of health, or twelve or more persons liable to be rated to the local rate complain to him of the unhealthiness of any area within such district, it shall be the duty of the medical officer of health forthwith to inspect such area, and to make an official representation stating the facts of the case, and whether in his opinion the said area or any part thereof is an unhealthy area or is not an unhealthy area.

Requisites of improvement scheme of local authority.

**6.**—(1.) The improvement scheme of a local authority shall be accompanied by maps, particulars, and estimates, and

(*a.*) may exclude any part of the area in respect of which an official representation is made, or include any neighbouring lands, if the local authority are of opinion that such exclusion is expedient or inclusion is necessary for making their scheme efficient for sanitary purposes; and

(*b.*) may provide for widening any existing approaches to the unhealthy area or otherwise for opening out the same for the purposes of ventilation or health; and

(*c.*) shall provide such dwelling accommodation, if any, for the working classes displaced by the scheme as is required to comply with this Act; and

(*d.*) shall provide for proper sanitary arrangements.

(2.) The scheme shall distinguish the lands proposed to be taken compulsorily.

(3.) The scheme may also provide for the scheme or any part thereof being carried out and effected by the person entitled to the first estate of freehold in any property comprised in the scheme or with the concurrence of such person, under the superintendence and control of the local authority, and upon such terms and conditions to be embodied in the scheme as may be agreed upon between the local authority and such person.

*Confirmation of Scheme.*

**Publication of notices.**

**7.** Upon the completion of an improvement scheme the local authority shall—

(*a.*) publish, during three consecutive weeks in the month of September, or October, or November, in some one and the same newspaper circulating within the district of the local authority, an advertisement stating the fact of a scheme having been made, the limits of the area comprised therein, and naming a place within such area or in the vicinity thereof where a copy of the scheme may be seen at all reasonable hours; and

**Service of notices.**

(*b.*) during the month next following the month in which such advertisement is published serve a notice on every owner or reputed owner, lessee or reputed lessee, and occupier of any lands proposed to be taken compulsorily, so far as such persons can reasonably be ascertained, stating that such lands are proposed to be taken compulsorily for the purpose of an improvement scheme, and in the case of any owner or reputed owner, lessee or reputed lessee, requiring an answer stating whether the person so served dissents or not in respect of taking such lands,

(*c.*) Such notice shall be served—

(i.) by delivery of the same personally to the person required to be served, or if such person is absent abroad, or cannot be found, to his agent, or if no agent can be found, then by leaving the same on the premises; or,

(ii.) by leaving the same at the usual or last known place of abode of such person as aforesaid, or,

(iii.) by post addressed to the usual or last known place of abode of such person.

(*d.*) One notice addressed to the occupier or occupiers without naming him or them, and left at any house, shall be deemed to be a notice served on the occupier or on all the occupiers of any such house.

**Making and confirmation of provisional order.**

**8.**—(1.) Upon compliance with the foregoing provisions with respect to the publication of an advertisement and the service of notices, the local authority shall present a petition, if it relates to any part of the county or city of London, to a Secretary of State, and if it relates to any other place, to the Local Government Board, praying that an order may be made confirming such scheme.

(2.) The petition shall be accompanied by a copy of the scheme, and shall state the names of the owners or reputed owners, lessees or reputed lessees, who have dissented in respect of the taking their lands, and shall be supported by such evidence as the Secretary of State or Local Government Board, according to the circumstances of the case (in this part of this Act referred to as the confirming authority), may from time to time require.

(3.) If, on consideration of the petition and on proof of the publication of the proper advertisements and the service of the proper notices, the confirming authority think fit to proceed with the case, they shall direct a local inquiry to be held in, or in the vicinity of, the area comprised in the scheme, for the purpose of ascertaining the correctness of the official representation made as to the area and the sufficiency of the scheme provided for its improvement, and any local objections to be made to such scheme.

(4.) After receiving the report made upon such inquiry, the confirming authority may make a provisional order declaring the limits of the area comprised in the scheme and authorising such scheme to be carried into execution.

(5.) Such provisional order may be made either absolutely or with such conditions and modifications of the scheme as the confirming authority may think fit, so that no addition be made to the lands proposed in the scheme to be taken compulsorily, and it shall be the duty of the local authority to serve a copy of any provisional order so made in the manner and upon the persons in which and upon whom notices in respect of lands proposed to be taken compulsorily are required by this part of this Act to be served, except tenants for a month or a less period than a month.

(6.) A provisional order made in pursuance of this section shall not be of any validity unless and until it has been confirmed by Act of Parliament; and it shall be lawful for the confirming authority, as soon as conveniently may be, to obtain such confirmation, and any Act confirming any provisional order made in pursuance of this part of this Act, with such modifications as may seem fit to Parliament, shall be a public General Act of Parliament, and is in this part of this Act referred to as the confirming Act.

(7.) The confirming authority may make such order as they think fit in favour of any person whose lands were proposed by the scheme to be taken compulsorily for the allowance of the reasonable costs, charges, and expenses properly incurred by him in opposing such scheme.

(8.) All costs, charges, and expenses incurred by the confirming authority in relation to any provisional order under this part of this Act shall, to such amount as the confirming authority think proper to direct, and all costs, charges, and expenses of any person to such amount as may be allowed to him by the confirming authority in pursuance of the aforesaid power, shall be deemed to be an expense incurred by the local authority under this part of this Act, and shall be paid to the confirming authority and to such person respectively, in such manner and at such times and

either in one sum or by instalments as the confirming authority may order, with power for the confirming authority to direct interest to be paid at such rate not exceeding five pounds in the hundred by the year as the confirming authority may determine, upon any sum for the time being due in respect of such costs, charges, and expenses as aforesaid.

(9.) Any order made by the confirming authority in pursuance of this section may be made a rule of a superior court, and be enforced accordingly.

**Costs to be awarded in certain cases.**

**9.**—(1.) Where any Bill for confirming a provisional order authorising an improvement scheme is referred to a Committee of either House of Parliament upon the petition of any person opposing such Bill, the Committee shall take into consideration the circumstances under which such opposition is made to the Bill, and whether such opposition was or was not justified by such circumstances, and shall award costs accordingly to be paid by the promoters or the opponents of the Bill as the Committee may think just.

(2.) Any costs under this section may be taxed and recovered in the manner in which costs may be taxed and recovered under the Act of the session of the twenty-eighth and twenty-ninth years of the reign of Her present Majesty, chapter twenty-seven.

(3.) The decision of the majority of the members of the Committee for the time being present and voting on any question under this section shall be deemed to be the decision of the Committee.

**Inquiry on refusal of local authority to make an improvement scheme.**

**10.** Where an official representation is made to the local authority with a view to their passing a resolution in favour of an improvement scheme, and they fail to pass any resolution in relation to such representation, or pass a resolution to the effect that they will not proceed with such scheme, the local authority shall, as soon as possible, send a copy of the official representation, accompanied by their reasons for not acting upon it, to the confirming authority, and, upon the receipt thereof, the confirming authority may direct a local inquiry to be held, and a report to be made to them with respect to the correctness of the official representation made to the local authority, and any matters connected therewith on which the confirming authority may desire to be informed.

*Provision of Dwelling Accommodation for Working Classes displaced by Scheme.*

**Requisites of improvement scheme as to accommodation of working classes.**

**11.**—(1.) Subject as herein-after mentioned, every scheme comprising an area in the county or city of London shall provide for the accommodation of at the least as many persons of the working class as may be displaced in the area comprised therein, in suitable dwellings, which, unless there are any special reasons to the contrary, shall be situate within the limits of the same area, or in the vicinity thereof.

Provided that—

(*a.*) Where it is proved to the satisfaction of the confirming authority on an application to authorise a scheme that equally

convenient accommodation can be provided for any persons of the working classes displaced by the scheme at some place other than within the area or the immediate vicinity of the area comprised in the scheme, and that the required accommodation has been or is about to be forthwith provided, either by the local authority or by any other person or body of persons, the confirming authority may authorise such scheme, and the requirements of this section with respect to providing accommodation for persons of the working class shall be deemed to have been complied with to the extent to which accommodation is so provided; and

(*b*.) Where the local authority apply for a dispensation under this section, and the officer conducting the local inquiry directed by the confirming authority reports that it is expedient, having regard to the special circumstances of the locality and to the number of artisans and others belonging to the working class dwelling within the area, and being employed within a mile thereof, that a modification should be made, the confirming authority, without prejudice to any other powers conferred on it by this part of this Act, may in the Provisional Order authorising the scheme, dispense altogether with the obligation of the local authority to provide for the accommodation of the persons of the working class who may be displaced by the scheme to such extent as the confirming authority may think expedient, having regard to such special circumstances as aforesaid, but not exceeding one half of the persons so displaced.

(2.) Where a scheme comprises an area situate elsewhere than in the county or city of London, it shall, if the confirming authority so require (but it shall not otherwise be obligatory on the local authority so to frame their scheme), provide for the accommodation of such number of those persons of the working classes displaced in the area with respect to which the scheme is proposed in suitable dwellings to be erected in such place or places either within or without the limits of the same area as the said authority on a report made by the officer conducting the local inquiry may require.

*Execution of Scheme by Local Authority.*

**Duty of local authority to carry scheme when confirmed, into execution.**

**12.**—(1.) When the confirming Act authorising any improvement scheme of a local authority under this part of this Act has been passed by Parliament, it shall be the duty of that authority to take steps for purchasing the lands required for the scheme, and otherwise for carrying the scheme into execution as soon as practicable.

(2.) They may sell or let all or any part of the area comprised in the scheme to any purchasers or lessees for the purpose and under the condition that such purchasers or lessees will, as respects the land so purchased by or leased to them, carry the scheme into execution; and in particular they may insert in any grant or lease

of any part of the area provisions binding the grantee or lessee to build thereon as in the grant or lease prescribed, and to maintain and repair the buildings, and prohibiting the division of buildings, and any addition to or alteration of the character of buildings without the consent of the local authority, and for the re-vesting of the land in the local authority, or their re-entry thereon, on breach of any provision in the grant or lease.

(3.) The local authority may also engage with any body of trustees, society, or person, to carry the whole or any part of such scheme into effect upon such terms as the local authority may think expedient, but the local authority shall not themselves, without the express approval of the confirming authority, undertake the rebuilding of the houses or the execution of any part of the scheme, except that they may take down any or all of the buildings upon the area, and clear the whole or any part thereof, and may lay out, form, pave, sewer, and complete all such streets upon the land purchased by them as they may think fit, and all streets so laid out and completed shall thenceforth be public streets, repairable by the same authority as other streets in the district.

(4.) Provided that in any grant or lease of any part of the area which may be appropriated by the scheme for the erection of dwellings for the working classes the local authority shall impose suitable conditions and restrictions as to the elevation, size, and design of the houses, and the extent of the accommodation to be afforded thereby, and shall make due provision for the maintenance of proper sanitary arrangements.

(5.) If the local authority erect any dwellings out of funds to be provided under this part of this Act, they shall, unless the confirming authority otherwise determine, sell and dispose of all such dwellings within ten years from the time of the completion thereof.

(6.) The local authority may, where they think it expedient so to do, without themselves acquiring the land, or after or subject to their acquiring any part thereof, contract with the person entitled to the first estate of freehold in any land comprised in an improvement scheme for the carrying of the scheme into effect by him in respect of such land.

**Completion of scheme on failure by local authority**

**13.** If within five years after the removal of any buildings on the land set aside by any scheme authorised by a confirming Act as sites for working men's dwellings, the local authority have failed to sell or let such land for the purposes prescribed by the scheme, or have failed to make arrangements for the erection of the said dwellings, the confirming authority may order the said land to be sold by public auction or public tender, with full power to fix a reserve price, subject to the conditions imposed by the scheme, and to any modifications thereof which may be made in pursuance of this part of this Act, and to a special condition on the part of the purchaser to erect upon the said land dwellings for the working classes, in accordance with plans to be approved by the local authority, and subject to such other reservations and regulations as the confirming authority may deem necessary.

Notice to occupiers by placards.

**14.** The local authority shall, not less than thirteen weeks before taking any fifteen houses or more, make known their intention to take the same by placards, handbills, or other general notices placed in public view upon or within a reasonable distance of such houses, and the local authority shall not take any such houses until they have obtained a certificate of a justice of the peace that it has been proved to his satisfaction that the local authority have made known, in manner required by this section, their intention to take such houses.

Power of confirming authority to modify authorised scheme.

**15.**—(1.) The confirming authority, on application from the local authority, and on its being proved to their satisfaction that an improvement can be made in the details of any scheme authorised by a confirming Act, may permit the local authority to modify any part of their improvement scheme which it may appear inexpedient to carry into execution, but any part of the scheme respecting the provision of dwelling accommodation for persons of the working class, when so modified, shall be such as might have been inserted in the original scheme.

(2.) A statement of any modifications permitted to be made in any part of an improvement scheme in pursuance of this section shall be laid by the confirming authority before both Houses of Parliament as soon as practicable after the permission is given, if Parliament be then sitting, and if not, within one month after the next meeting of Parliament.

Provided always, that if such modification requires a larger public expenditure than that sanctioned by the former scheme, or the taking of any property otherwise than by agreement, or affects injuriously other property in a manner different to that proposed in the former scheme without the consent of the owner and occupier of any such property, the modification must be made by a provisional order to be confirmed by Act of Parliament in the manner provided by this part of this Act on the completion of an improvement scheme.

*Inquiries with respect to Unhealthy Areas.*

Inquiry on default of medical officer in certain cases

**16.**—(1.) Where in any district twelve or more ratepayers have complained to a medical officer of health of the unhealthiness of any area within that district, and the medical officer of health has failed to inspect such area, or to make an official representation with respect thereto, or has made an official representation to the effect that in his opinion the area is not an unhealthy area, such ratepayers may appeal to the confirming authority, and upon their giving security to the satisfaction of that authority for costs, the confirming authority shall appoint a legally qualified medical practitioner to inspect such area, and to make representation to the confirming authority, stating the facts of the case, and whether, in his opinion, the area or any part thereof is or is not an unhealthy area. The representation so made shall be transmitted by the confirming authority to the local authority, and if it states that the

area is an unhealthy area the local authority shall proceed therein in the same manner as if it were an official representation made to that authority.

(2.) The confirming authority shall make such order as to the costs of the inquiry as they think just, with power to require the whole or any part of such costs to be paid by the appellants where the medical practitioner appointed is of opinion that the area is not an unhealthy area, and to declare the whole or any part of such costs to be payable by the local authority where he is of opinion that the area or any part thereof is an unhealthy area.

(3.) Any order made by the confirming authority in pursuance of this section may be made a rule of a superior court, and be enforced accordingly.

**Proceedings on local inquiry.**

**17.** Where a local inquiry is directed, an officer shall be sent by the confirming authority to the area to which such inquiry relates for the purpose of making an inquiry into the correctness of the official representation made to the local authority as to such area being an unhealthy area, and into the sufficiency of the scheme provided for its improvement, and into any local objections to be made to such scheme, and to any other matter into which he is directed by this Act or the confirming authority to inquire for the purposes of this Act.

**Notice of inquiry to be publicly given.**

**18.** Before commencing such inquiry the officer appointed to conduct the same shall make public by advertisement or otherwise in such manner as he thinks best calculated to give information to the persons residing in the area his intention to make such inquiry, and a statement of a time and place at which he will be prepared to hear all persons desirous of being heard before him upon the subject of the inquiry.

**Power to administer oath.**

**19.** The officer conducting such inquiry shall have power to administer an oath; he shall report the result of the inquiry to the confirming authority, who shall deal with such report in such manner as they think expedient.

## *Acquisition of Land.*

**Acquisition of land.**

**20.** The clauses of the Lands Clauses Acts, with respect to the purchase and taking of lands otherwise than by agreement shall not, except to the extent set forth in the Second Schedule to this Act, apply to any lands taken in pursuance of this part of this Act, but save as aforesaid the said Lands Clauses Acts, as amended by the provisions contained in the said schedule, shall regulate and apply to the purchase and taking of lands, and shall for that purpose be deemed to form part of this part of this Act in the same manner as if they were enacted in the body thereof; subject to the provisions of this part of this Act and to the provisions following; that is to say,

(i.) This part of this Act shall authorise the taking by agreement of any lands which the local authority may require for the purpose of carrying into effect the scheme authorised by any

confirming Act, but it shall authorise the taking by the exercise of any compulsory powers of such lands only as are proposed by the scheme in the confirming Act to be taken compulsorily:

(ii.) In the construction of the Lands Clauses Acts, and the provisions in the Second Schedule to this Act, this part of this Act shall be deemed to be the special Act, and the local authority shall be deemed to be the promoters of the undertaking; and the period after which the powers for the compulsory purchase or taking of lands shall not be exercised shall be three years after the passing of the confirming Act.

**Special provision as to compensation.**

**21.**—(1.) Whenever the compensation payable in respect of any lands or of any interests in any lands proposed to be taken compulsorily in pursuance of this part of this Act requires to be assessed—

(*a*) the estimate of the value of such lands or interests shall be based upon the fair market value, as estimated at the time of the valuation being made of such lands, and of the several interests in such lands, due regard being had to the nature and then condition of the property, and the probable duration of the buildings in their existing state, and to the state of repair thereof, without any additional allowance in respect of the compulsory purchase of an area or of any part of an area in respect of which an official representation has been made, or of any lands included in a scheme which, in the opinion of the arbitrator, have been so included as falling under the description of property which may be constituted an unhealthy area under this part of this Act, and

(*b*) in such estimate any addition to or improvement of the property made after the date of the publication in pursuance of this part of this Act of an advertisement stating the fact of the improvement scheme having been made shall not (unless such addition or improvement was necessary for the maintenance of the property in a proper state of repair) be included, nor in the case of any interest acquired after the said date shall any separate estimate of the value thereof be made so as to increase the amount of compensation to be paid for the lands; and

(2.) On the occasion of assessing the compensation payable under any improvement scheme in respect of any house or premises situate within an unhealthy area evidence shall be receivable by the arbitrator to prove—

(1st) that the rental of the house or premises was enhanced by reason of the same being used for illegal purposes or being so overcrowded as to be dangerous or injurious to the health of the inmates; or

(2ndly) that the house or premises are in such a condition as to be a nuisance within the meaning of the Acts relating to nuisances, or are in a state of defective sanitation, or are not in reasonably good repair; or

(3rdly) that the house or premises are unfit, and not reasonably capable of being made fit, for human habitation;

and, if the arbitrator is satisfied by such evidence, then the compensation—

(*a*) shall in the first case so far as it is based on rental be based on the rental which would have been obtainable if the house or premises were occupied for legal purposes and only by the number of persons whom the house or premises were under all the circumstances of the case fitted to accommodate without such overcrowding as is dangerous or injurious to the health of the inmates; and

(*b*) shall in the second case be the amount estimated as the value of the house or premises if the nuisance had been abated, or if they had been put into a sanitary condition, or into reasonably good repair, after deducting the estimated expense of abating the nuisance, or putting them into such condition or repair, as the case may be; and

(*c*) shall in the third case be the value of the land, and of the materials of the buildings thereon.

**Extinction of rights of way and other easements.**

**22.** Upon the purchase by the local authority of any lands required for the purpose of carrying into effect any scheme, all rights of way, rights of laying down or of continuing any pipes, sewers, or drains on, through, or under such lands, or part thereof, and all other rights or easements in or relating to such lands, or any part thereof, shall be extinguished, and all the soil of such ways, and the property in the pipes, sewers, or drains, shall vest in the local authority, subject to this provision, that compensation shall be paid by the local authority to any persons or bodies of persons proved to have sustained loss by this section, and such compensation shall be determined in the manner in which compensation for lands is determinable under this part of this Act, or as near thereto as circumstances admit.

**Application of lands for accommodation of working classes.**

**23.** A local authority may, for the purpose of providing accommodation for persons of the working classes displaced by any improvement scheme, appropriate any lands for the time being belonging to them which are suitable for the purpose, or may purchase by agreement any such further lands as may be convenient.

*Expenses.*

**Formation of improvement fund for purposes of Act.**

**24.**—(1.) The receipts of a local authority under this part of this Act shall form a fund (in this Act referred to as "the Dwelling-house Improvement Fund"), and their expenditure shall be defrayed out of such fund.

(2.) The moneys required in the first instance to establish such fund, and any deficiency for the purposes of this part of this Act from time to time appearing in such fund by reason of the excess of expenditure over receipts, shall be supplied out of the local rates or out of moneys borrowed in pursuance of this Act.

(3.) In settling any accounts of the local authority in respect of any transactions under this part of this Act, care shall be taken that as far as may be practicable all expenditure shall ultimately be defrayed out of the property dealt with under this part of this Act, and any balances of profit made by the local authority under this part of this Act shall be applicable to any purposes to which the local rate is for the time being applicable.

(4.) Any limit imposed on or in respect of local rates by any other Act of Parliament shall not apply to any rate required to be levied for the purpose of defraying any expenses under this part of this Act.

(5.) The local authority may carry to the account of the Dwelling-house Improvement Fund any such money or produce of any property, as is legally applicable to purposes similar to the purposes of this part of this Act; and in case of doubt as to whether, in any particular case, the purposes are so similar the confirming authority may decide such doubt, and such decision shall be conclusive.

Power of borrowing money for the purposes of Part I. of Act.

**25.**—(1.) A local authority may, in manner in this section mentioned, borrow such money as is required for the purposes of this part of this Act on the security of the local rate.

(2.) For the purpose of such borrowing, the London County Council may, with the assent of the Treasury, create consolidated stock under the Metropolitan Board of Works Loans Acts, 1869 to 1871, but all moneys required for the payment of the dividends on and the redemption of the consolidated stock created for the purposes of this part of this Act shall be charged to the special county account to which the expenditure for the purposes of this part of this Act is chargeable.

(3.) For the purpose of such borrowing, the Commissioners of Sewers for the City of London may borrow and take up at interest such money on the credit of the local rates, or any of them, as they may require for the purposes of this part of this Act, and may mortgage any such rate or rates to the persons by or on behalf of whom such money is advanced for securing the repayment to them of the sums borrowed, with interest thereon, and for the purposes of any mortgages so made by the Commissioners of Sewers, the clauses of the Commissioners Clauses Act, 1847, with respect to the mortgages to be executed by the Commissioners shall be incorporated with this part of this Act; and in the construction of that Act "the special Act" shall mean this part of this Act; "the commissioners" shall mean the Commissioners of Sewers; "the clerk of the commissioners" shall include any officer appointed for the purpose by the Commissioners of Sewers by this part of this Act; and the mortgagees or assignees of any mortgage made as last aforesaid may enforce payment of the arrears of principal and interest due to them by the appointment of a receiver.

10 & 11 Vict. c. 16.

(4.) For the purpose of such borrowing, the urban sanitary authority shall have the same power of borrowing as they have under the Public Health Acts for the purpose of defraying any expenses incurred by them in the execution of those Acts.

(5.) The Public Works Loan Commissioners, may, on the recommendation of the confirming authority, lend to any local authority any money required by them for purposes of this part of this Act, on the security of the local rate. Such loan shall be repaid within such period, not exceeding fifty years, as may be recommended by the confirming authority.

*General Provisions.*

**26.** In case of the illness or unavoidable absence of a medical officer of health, the authority, board, or vestry who appointed him may (subject to the approval of the confirming authority) appoint a duly qualified medical practitioner, for the period of six months, or any less period to be named in the appointment. Provision in case of absence of medical officer of health.

**27.** The confirming authority may by order prescribe the forms of advertisements and notices under this part of this Act; it shall not be obligatory on any persons to adopt such forms, but the same, when adopted, shall be deemed sufficient for all the purposes of this part of this Act. Power of confirming authority as to advertisements and notices.

**28.** The confirming authority may, on the consideration of any petition of a local authority for an order confirming a scheme, dispense with the publication of any advertisement, or the service of any notice, proof of which publication or service is not given to them as required by this part of this Act, where reasonable cause is shown to their satisfaction why such publication or service should be dispensed with, and such dispensation may be made by the confirming authority, either unconditionally or upon such condition as to the publication of other advertisements and the service of other notices or otherwise as the confirming authority may think fit, due care being taken by the confirming authority to prevent the interest of any person being prejudiced by the fact of the publication of any advertisement or the service of any notice being dispensed with in pursuance of this section. Power of confirming authority to dispense with notices in certain cases.

## PART II.

### UNHEALTHY DWELLING-HOUSES.

*Preliminary.*

**29.** In this part of this Act, unless the context otherwise requires— Definitions:

The expression "street" includes any court, alley, street, square, or row of houses: "Street."

The expression "dwelling-house" means any inhabited building, and includes any yard, garden, outhouses, and appurtenances belonging thereto or usually enjoyed therewith, and includes the site of the dwelling-house as so defined. "Dwelling-house."

The expression "owner," in addition to the definition given by the Lands Clauses Acts, includes all lessees or mortgagees of "Owner."

any premises required to be dealt with under this part of this Act, except persons holding or entitled to the rents and profits of such premises for a term of years, of which twenty-one years do not remain unexpired:

"Closing order."

The expression "closing order" means an order prohibiting the use of premises for human habitation made under the enactments set out in the Third Schedule in this Act.

*Buildings unfit for Human Habitation.*

Representation by medical officer of health.

**30.** It shall be the duty of the medical officer of health of every district to represent to the local authority of that district any dwelling-house which appears to him to be in a state so dangerous or injurious to health as to be unfit for human habitation.

Representation on householders' complaint.

**31.**—(1.) If in any district any four or more householders living in or near to any street complain in writing to the medical officer of health of that district that any dwelling-house in or near that street is in a condition so dangerous or injurious to health as to be unfit for human habitation, he shall forthwith inspect the same, and transmit to the local authority the said complaint, together with his opinion thereon, and if he is of opinion that the dwelling-house is in the condition aforesaid, shall represent the same to the local authority, but the absence of any such complaint shall not excuse him from inspecting any dwelling-house and making a representation thereon to the local authority.

(2.) If within three months after receiving the said complaint and opinion or representation of the medical officer, the local authority, not being in the administrative county of London, or not being a rural sanitary authority in any other county, declines or neglects to take any proceedings to put this part of this Act in force, the householders who signed such complaint may petition the Local Government Board for an inquiry, and the said Board after causing an inquiry to be held may order the local authority to proceed under this part of this Act, and such order shall be binding on the local authority.

*Closing Order and Demolition.*

Duty of local authority as to closing of dwelling-house unfit for human habitation

**32.**—(1.) It shall be the duty of every local authority to cause to be made from time to time inspection of their district, with a view to ascertain whether any dwelling-house therein is in a state so dangerous or injurious to health as to be unfit for human habitation, and, if on the representation of the medical officer, or of any officer of such authority, or information given, any dwelling-house appears to them to be in such state, to forthwith take proceedings against the owner or occupier for closing the dwelling-house under the enactments set out in the Third Schedule to this Act.

(2.) Any such proceedings may be taken for the express purpose of causing the dwelling-house to be closed whether the same be

occupied or not, and upon such proceedings the court of summary jurisdiction may impose a penalty not exceeding twenty pounds, and make a closing order, and the forms for the purposes of this section may be those in the Fourth Schedule to this Act, or to the like effect, and the enactments respecting an appeal from a closing order shall apply to the imposition of such penalty as well as to a closing order.

(3.) Where a closing order has been made as respects any dwelling-house, the local authority shall serve notice of the order on every occupying tenant of the dwelling-house, and within such period as is specified in the notice, not being less than seven days after the service of the notice, the order shall be obeyed by him, and he and his family shall cease to inhabit the dwelling-house, and in default he shall be liable to a penalty not exceeding twenty shillings a day during his disobedience to the order. Provided that the local authority may make to every such tenant such reasonable allowance on account of his expenses in removing, as may have been authorised by the court making the closing order, which authority the court is hereby authorised to give, and the amount of the said allowance shall be a civil debt due from the owner of the dwelling-house to the local authority, and shall be recoverable summarily.

**Order for demolition house unfit for habitation.**

**33.**—(1.) Where a closing order has been made in respect of any dwelling-house, and not been determined by a subsequent order, then the local authority, if of opinion that the dwelling-house has not been rendered fit for human habitation, and that the necessary steps are not being taken with all due diligence to render it so fit, and that the continuance of any building being or being part of the dwelling-house is dangerous or injurious to the health of the public or of the inhabitants of the neighbouring dwelling-houses, shall pass a resolution that it is expedient to order the demolition of the building.

(2.) The local authority shall cause notice of such resolution to be served on the owner of the dwelling-house, and such notice shall specify the time and place appointed by the local authority for the further consideration of the resolution, not being less than one month after the service of the notice, and any owner of the dwelling-house shall be at liberty to attend and state his objections to the demolition.

(3.) If upon the consideration of the resolution and the objections the local authority decide that it is expedient so to do, then, unless an owner undertakes to execute forthwith the works necessary to render the dwelling-house fit for human habitation, the local authority shall order the demolition of the building.

(4.) If an owner undertakes as aforesaid to execute the said works, the local authority may order the execution of the works, within such reasonable time as is specified in the order, and if the works are not completed within that time or any extended time allowed by the local authority or a court of summary jurisdiction, the local authority shall order the demolition of the building.

Execution of an order for demolition, and provision as to site.

**34.**—(1.) Where an order for the demolition of a building has been made, the owner thereof shall within three months after service of the order proceed to take down and remove the building, and if the owner fails therein the local authority shall proceed to take down and remove the building and shall sell the materials, and after deducting the expenses incident to such taking down and removal, pay over the balance of money (if any) to the owner.

(2.) Where a building has been so taken down and removed, no house or other building or erection which will be dangerous or injurious to health shall be erected on all or any part of the site of such building; and if any house, building, or erection is erected contrary to the provisions of this section, the local authority may at any time order the owner thereof to abate the same, and in the event of non-compliance with the order, may at the expense of the owner abate or alter the same.

Appeal against order of local authority.

**35.**—(1.) Any person aggrieved by an order of the local authority under this part of this Act, may appeal against the same to a court of quarter sessions, and no work shall be done nor proceedings taken under any order until after the appeal is determined or ceases to be prosecuted, and section thirty-one of the Summary Jurisdiction Act, 1879, respecting appeals from courts of summary jurisdiction to courts of quarter sessions shall apply with the necessary modifications as if the order of the local authority were an order of a court of summary jurisdiction.

42 & 43 Vict. c 49.

(2.) Provided that—

(*a*.) Notice of appeal may be given within one month after notice of the order of the local authority has been served on such person;

(*b*.) The court shall, at the request of either party, state the facts specially for the determination of a superior court, in which case the proceedings may be removed into that court.

Grant of charges by way of annuity to owner on completion of works.

**36.**—(1.) Where any owner has completed in respect of any dwelling-house any works required to be executed by an order of a local authority under this part of this Act, he may apply to the local authority for a charging order, and shall produce to the local authority the certificate of their surveyor or engineer that the works have been executed to his satisfaction, and also the accounts of and vouchers for the costs, charges, and expenses of the works, and the local authority, when satisfied that the owner has duly executed such works and of the amount of such costs, charges, and expenses, and of the costs of obtaining the charging order which have been properly incurred, shall make an order accordingly, charging on the dwelling-house an annuity to repay the amount.

(2.) The annuity charged shall be a sum of six pounds for every one hundred pounds of the said amount and so in proportion for any less sum, and shall commence from the date of the order, and be payable for a term of thirty years to the owner named in such order, his executors, administrators, or assigns.

(3.) Every such annuity may be recovered by the person for the time being entitled to it by the same means and in the like manner

in all respects as if it were a rentcharge granted by deed out of the dwelling-house by the owner thereof.

(4.) Charging orders made under this section shall be made according to the Form marked A. in the Fifth Schedule to this Act, or as near thereto as the circumstances of the case will admit.

Incidence of charge

**37.**—(1.) Every charge created by a charging order under this part of this Act shall be a charge on the dwelling-house specified in the order, having priority over all existing and future estates, interests, and incumbrances, with the exception of quitrents and other charges incident to tenure, tithe commutation rentcharge, and any charge created under any Act authorising advances of public money; and where more charges than one are charged under this part of this Act on any dwelling-house such charges shall, as between themselves, take order according to their respective dates.

(2.) A charging order shall be conclusive evidence that all notices, acts, and proceedings by this part of this Act directed with reference to or consequent on the obtaining of such order, or the making of such charge, have been duly served, done, and taken, and that such charge has been duly created, and that it is a valid charge on the dwelling-house declared to be subject thereto.

(3.) Every such charging order, if it relates to a dwelling-house in the area to which the enactments relating to the registration of land in Middlesex apply or to a dwelling-house in Yorkshire, shall be registered in like manner as if the charge were made by deed by the absolute owner of the dwelling-house.

(4.) Copies of the charging order and of the certificate of the surveyor or engineer, and of the accounts as passed by the local authority, certified to be true copies by the clerk of the local authority, shall within six months after the date of the order be deposited with the clerk of the peace of the county in which the dwelling-house is situate, and be by him filed and recorded.

(5.) The benefit of any such charge may be from time to time transferred in like manner as a mortgage or rentcharge may be transferred. Any transfer may be in the Form marked B. in the Fifth Schedule to this Act, or in any other convenient form.

### *Obstructive Buildings.*

Power to local authority to purchase houses for opening alleys, &c.

**38.**—(1.) If a medical officer of health finds that any building within his district, although not in itself unfit for human habitation, is so situate that by reason of its proximity to or contact with any other buildings it causes one of the following effects, that is to say,—

(*a.*) It stops ventilation, or otherwise makes or conduces to make such other buildings to be in a condition unfit for human habitation or dangerous or injurious to health; or

(*b.*) It prevents proper measures from being carried into effect for remedying any nuisance injurious to health or other evils complained of in respect of such other buildings,

in any such case, the medical officer of health shall represent to the local authority the particulars relating to such first-mentioned

building (in this Act referred to as "an obstructive building") stating that in his opinion it is expedient that the obstructive building should be pulled down.

(2.) Any four or more inhabitant householders of a district may make to the local authority of the district a representation as respects any building to the like effect as that of the medical officer under this section.

(3.) The local authority on receiving any such representation as above in this section mentioned shall cause a report to be made to them respecting the circumstances of the building and the cost of pulling down the building and acquiring the land, and on receiving such report shall take into consideration the representation and report, and if they decide to proceed, shall cause a copy of both the representation and report to be given to the owner of the lands on which the obstructive building stands, with notice of the time and place appointed by the local authority for the consideration thereof; and such owner shall be at liberty to attend and state his objections, and after hearing such objections the local authority shall make an order either allowing the objection or directing that such obstructive building shall be pulled down, and such order shall be subject to appeal in like manner as an order of demolition of the local authority under the foregoing provisions of this part of this Act.

(4.) Where an order of the local authority for pulling down an obstructive building is made under this section and either no appeal is made against the order, or an appeal is made and either fails or is abandoned, the local authority shall be authorised to purchase the lands on which the obstructive building is erected in like manner as if they had been authorised by a special Act to purchase the same; and for the purpose of such purchase the provisions of the Lands Clauses Acts, with respect to the purchase and taking of lands otherwise than by agreement shall be deemed to be incorporated in this part of this Act (subject nevertheless to the provisions of this part of this Act), and for the purpose of the provisions of the Lands Clauses Acts this part of this Act shall be deemed to be the special Act, and the local authority to be the promoters of the undertaking, and such lands may be purchased at any time within one year after the date of the order, or if it was appealed against after the date of the confirmation.

(5.) The owner of the lands may within one month after notice to purchase the same is served upon him declare that he desires to retain the site of the obstructive building and undertake either to pull down or to permit the local authority to pull down the obstructive building, and in such case the owner shall retain the site and shall receive compensation from the local authority for the pulling down of the obstructive building.

(6.) The amount of such compensation, and also the amount of any compensation to be paid on the purchase of any lands under this section, shall in case of difference be settled by arbitration in manner provided in this part of this Act.

(7.) Where the local authority is empowered to purchase land compulsorily, it shall not be competent for the owner of a house or manufactory to insist on his entire holding being taken, where part only is proposed to be taken as obstructive, and where such part proposed to be taken can, in the opinion of the arbitrator to whom the question of disputed compensation is submitted, be severed from the remainder of the house or manufactory without material detriment thereto, provided that compensation may be awarded in respect of the severance of the part so proposed to be taken in addition to the value of that part.

(8.) Where in the opinion of the arbitrator the demolition of an obstructive building adds to the value of such other buildings as are in that behalf mentioned in this section, the arbitrator shall apportion so much of the compensation to be paid for the demolition of the obstructive building as may be equal to the increase in value of the other buildings amongst such other buildings respectively, and the amount apportioned to each such other building in respect of its increase in value by reason of the demolition of such obstructive building shall be deemed to be private improvement expenses incurred by the local authority in respect of such building, and such local authority may, for the purpose of defraying such expenses, make and levy improvement rates on the occupier of such premises accordingly; and the provisions of the Public Health Acts relating to private improvement expenses and to private improvement rates, shall so far as circumstances admit, apply accordingly in the same manner as if such provisions were incorporated in this Act.

(9.) If any dispute arises between the owner or occupier of any building (to which any amount may be apportioned in respect of private improvement expenses) and the arbitrator by whom such apportionment is made, such dispute shall be settled by two justices in manner provided by the Lands Clauses Acts, in cases where the compensation claimed in respect of lands does not exceed fifty pounds.

(10.) Where the owner retains the site or any part thereof, no house or other building or erection which will be dangerous or injurious to health, or which will be an obstructive building within the meaning of this section, shall be erected upon such site or any part thereof; and if any house, building, or erection is erected on the site contrary to the provisions of this section the local authority may at any time order the owner to abate or alter the said house, building, or erection; and in the event of non-compliance with such order may, at the expense of the owner thereof, abate or alter the same.

(11.) Where the lands are purchased by the local authority the local authority shall pull down the obstructive building, or such part thereof as may be obstructive within the meaning of this section, and keep as an open space the whole site, or such part thereof as may be required to be kept open for the purpose of remedying the nuisance or other evils caused by such obstructive building, and may, with the assent of the Local Government Board, and

upon such terms as that Board think expedient, sell such portion of the site as is not required for the purpose of carrying this section into effect.

(12.) A local authority may, where they so think fit, dedicate any land acquired by them under the authority of this section as a highway or other public place.

*Scheme for Reconstruction.*

Scheme for area comprising houses closed by closing order.

**39.**—(1.) In any of the following cases, that is to say—

(*a*) where an order for the demolition of a building has been made in pursuance of this part of this Act, and it appears to the local authority that it would be beneficial to the health of the inhabitants of the neighbouring dwelling-houses if the area of the dwelling-house of which such building forms part were used for all or any of the following purposes, that is to say, either—

(i) dedicated as a highway or open space, or

(ii) appropriated, sold, or let for the erection of dwellings for the working classes, or

(iii) exchanged with other neighbouring land which is more suitable for the erection of such dwellings, and on exchange will be appropriated, sold, or let for such erection; or

(*b*) where it appears to the local authority that the closeness, narrowness, and bad arrangement or bad condition of any buildings, or the want of light, air, ventilation, or proper conveniences, or any other sanitary defect in any buildings is dangerous or prejudicial to the health of the inhabitants either of the said buildings or of the neighbouring buildings, and that the demolition or the reconstruction and re-arrangement of the said buildings or of some of them is necessary to remedy the said evils, and that the area comprising those buildings and the yards, outhouses, and appurtenances thereof, and the site thereof, is too small to be dealt with as an unhealthy area under Part I. of this Act,

the local authority shall pass a resolution to the above effect and direct a scheme to be prepared for the improvement of the said area.

(2.) Notice of the scheme may at any time after the preparation thereof be served in manner provided in Part I. of this Act with respect to notices of lands proposed to be taken compulsorily under a scheme made in pursuance of that part of this Act, on every owner or reputed owner, lessee or reputed lessee, and occupier of any part of the area comprised in the scheme, so far as those persons can reasonably be ascertained.

(3.) The local authority shall, after service of such notice, petition the Local Government Board for an order sanctioning the scheme, and the Board may cause a local inquiry to be held, and, if satisfied on the report of such local inquiry that the carrying into effect of the scheme either absolutely, or subject to conditions or modifica-

tions would be beneficial to the health of the inhabitants of the said buildings or of the neighbouring dwelling-houses, may by order sanction the scheme with or without such conditions or modifications.

(4.) Upon such order being made, the local authority may purchase by agreement the area comprised in the scheme as so sanctioned, and if they agree for the purchase of the whole area, the order, save so far as it provides for the taking of land otherwise than by agreement, shall take effect without confirmation. If they do not so agree, the order shall be published by the local authority by inserting a notice thereof in the London Gazette, and by serving notice thereof on the owners of every part of the area.

(5.) Any owner may, within two months after such publication, petition the Local Government Board against the order, and if such petition is presented and is not withdrawn, the order shall be provisional unless it is confirmed by Act of Parliament.

(6.) If the Local Government Board are satisfied that the order has been duly published, and that two months after such publication have expired, and that either a petition has not been presented, or if presented has been withdrawn, they shall confirm the order, and thereupon such order shall come into operation, and have effect as if it were enacted by this Act.

(7.) The order may incorporate the provisions of the Lands Clauses Acts, and for the purpose of those provisions this Act shall be deemed to be the special Act, and the local authority to be the promoters of the undertaking, and the area shall be acquired within three years after the date of the confirmation of the order: Provided that the amount of compensation shall, in case of difference, be settled by arbitration in manner provided by this part of this Act.

(8.) The provisions of Part I. of this Act relating to costs to be awarded in certain cases by a committee of either House of Parliament, to the duty of a local authority to carry a scheme when confirmed into execution, to the completion of a scheme on failure by a local authority, and to the extinction of rights of way and other easements, shall, with the necessary modifications, apply for the purpose of any scheme under this section in like manner as if it were a scheme under Part I. of this Act.

(9.) The Local Government Board, on being satisfied by the local authority that an improvement can be made in the details of any scheme under this section, may by order permit the local authority to modify any part of the scheme which it may appear inexpedient to carry into execution: Provided that—

(*a*) if the order sanctioning the scheme was confirmed by Parliament, a statement of such modification shall be laid by the Local Government Board before both Houses of Parliament as soon as practicable; and

(*b*) in any case, if the modification requires a larger expenditure than that sanctioned by the original scheme, or authorises the taking of any property otherwise than by agreement, or injuriously affects any property in a manner different from that proposed in the original scheme, without the consent of the

owner or occupier of such property, notice of the order authorising the modification shall be published, and the order may be petitioned against and shall be subject to confirmation in like manner as if it were an order sanctioning an original scheme under this section.

**Provisions for accommodation of persons of the working classes.**

**40.** The Local Government Board shall in any order sanctioning a scheme under this part of this Act require the insertion in the scheme of such provisions (if any) for the dwelling accommodation of persons of the working classes displaced by the scheme as seem to the Board required by the circumstances.

*Settlement of Compensation.*

**Provisions as to arbitration.**

**41.** In all cases in which the amount of any compensation is, in pursuance of this part of this Act, to be settled by arbitration, the following provisions shall have effect; (namely,)

(1.) The amount of compensation shall be settled by an arbitrator to be appointed and removable by the Local Government Board.

(2.) In settling the amount of any compensation—

(*a.*) The estimate of the value of the dwelling-house shall be based on the fair market value as estimated at the time of the valuation being made of such dwelling-house, and of the several interests in such dwelling-house, due regard being had to the nature and then condition of the property and the probable duration of the buildings in their existing state, and to the state of repair thereof, and without any additional allowance in respect of compulsory purchase; and

(*b.*) The arbitrator shall have regard to and make an allowance in respect of any increased value which, in his opinion, will be given to other dwelling-houses of the same owner by the alteration or demolition by the local authority of any buildings.

(3.) Evidence shall be receivable by the arbitrator to prove—

(1st) that the rental of the dwelling-house was enhanced by reason of the same being used for illegal purposes or being so overcrowded as to be dangerous or injurious to the health of the inmates; or

(2ndly) that the dwelling-house is in a state of defective sanitation, or is not in reasonably good repair; or

(3rdly) that the dwelling-house is unfit, and not reasonably capable of being made fit, for human habitation;

and, if the arbitrator is satisfied by such evidence, then the compensation—

(*a*) shall in the first case so far as it is based on rental be based on the rental which would have been obtainable if the dwelling-house was occupied for legal purposes and only by the number of persons whom the dwelling-house was under all the circumstances of the case fitted to

accommodate without such overcrowding as is dangerous or injurious to the health of the inmates; and

(*b*) shall in the second case be the amount estimated as the value of the dwelling-house if it had been put into a sanitary condition, or into reasonably good repair, after deducting the estimated expense of putting it into such condition or repair; and

(*c*) shall in the third case be the value of the land, and of the materials of the buildings thereon.

(4.) On payment or tender to the person entitled to receive the same of the amount of compensation agreed or awarded to be paid in respect of the dwelling-house, or on payment thereof in manner prescribed by the Lands Clauses Acts, the owner shall, when required by the local authority, convey his interest in such dwelling-house to them, or as they may direct; and in default thereof, or if the owner fails to adduce a good title to such dwelling-house to the satisfaction of the local authority, it shall be lawful for the local authority, if they think fit, to execute a deed poll, in such manner and with such consequences as are mentioned in the Lands Clauses Acts.

(5.) Sections thirty-two, thirty-three, thirty-five, thirty-six, and thirty-seven of the Lands Clauses Consolidation Act, 1845, shall apply, with any necessary modifications, to an arbitration and to an arbitrator appointed under this part of this Act. 8 & 9 Vict c. 18.

(6.) The arbitrator may, by one award, settle the amount or amounts of compensation payable in respect of all or any of the dwelling-houses included in one or more order or orders made by the local authority; but he may, and, if the local authority request him so to do shall, from time to time make an award respecting a portion only of the disputed cases brought before him.

(7.) In the event of the death, removal, resignation, or incapacity, refusal, or neglect to act of any arbitrator before he shall have made his award, the Local Government Board may appoint another arbitrator, to whom all documents relating to the matter of the arbitration which were in the possession of the former arbitrator shall be delivered.

(8.) The arbitrator may, where he thinks fit, on the request of any party by whom any claim has been made before him, certify the amount of the costs properly incurred by such party in relation to the arbitration, and the amount of the costs so certified shall be paid by the local authority.

(9.) The arbitrator shall not give such certificate where the arbitrator has awarded the same or a less sum than has been offered by the local authority in respect of such claim before the appointment of the arbitrator, and need not give such certificate to any party where he considers that such party neglected, after due notice from the local authority, to deliver to that authority a statement in writing within such time, and containing such particulars respecting the compensation

claimed, as would have enabled the local authority to make a proper offer of compensation to such party before the appointment of the arbitrator.

(10.) If within seven days after demand the amount so certified be not paid to the party entitled to receive the same, such amount shall be recoverable as a debt from the local authority with interest at the rate of five per cent. per annum for any time during which the same remains unpaid after such seven days as aforesaid.

(11.) The award of the arbitrator shall be final and binding on all parties.

*Expenses and Borrowing.*

Expenses of local authority.

**42.**—(1.) All expenses incurred by a local authority in the execution of this part of this Act shall be defrayed by them out of the local rate, and that authority, notwithstanding any limit contained in any Act of Parliament respecting a local rate, may levy such local rate, or any increase thereof, for the purposes of this part of this Act.

(2.) Any expenses incurred by a rural sanitary authority under this part of this Act, other than the expenses incurred in and incidental to proceedings for obtaining a closing order, shall be charged as special expenses on the contributory place in respect of which they are incurred.

Provision as to borrowing.

**43.**—(1.) A local authority may borrow for the purpose of raising sums required for purchase money or compensation payable under this part of this Act in like manner, and subject to the like conditions, as for the purpose of defraying the expenses of the execution by such authority of the Public Health Acts

(2.) The Public Works Loan Commissioners may, if they think fit, lend to any local authority the sums borrowed in pursuance of this part of this Act.

Annual account to be presented by the local authority.

**44.** Every local authority shall every year present to the Local Government Board, in such form as they may direct, an account of what has been done, and of all moneys received and paid by them during the previous year, with a view to carrying into effect the purposes of this part of this Act.

*Powers of County Councils.*

Powers of county councils.

**45.**—(1.) Where the medical officer of health or any inhabitant householders make a representation or complaint, or give information to any vestry or district board in the administrative county of London or to the local board of Woolwich, or to any rural sanitary authority elsewhere (which vestry, board, or authority is in this Act referred to as the district authority) or to the medical officer of such authority either respecting any dwelling-house being in a state so dangerous or injurious to health as to be unfit for human

habitation, or respecting an obstructive building, and also where a closing order has been made as respects any dwelling-house, the district authority shall forthwith forward to the county council of the county in which the dwelling-house or building is situate, a copy of such representation, complaint, information, or closing order, and shall from time to time report to the council such particulars as the council require respecting any proceedings taken by the authority with reference to such representation, complaint, information, or dwelling-house.

(2.) Where the county council—

(*a*) are of opinion that proceedings for a closing order as respects any dwelling-house ought to be instituted, or that an order ought to be made for the demolition of any buildings forming or forming part of any dwelling-house as to which a closing order has been made, or that an order ought to be made for pulling down an obstructive building specified in any representation under this part of this Act; and

(*b*) after reasonable notice, not being less than one month, of such opinion has been given in writing to the district authority, consider that such authority have failed to institute or properly prosecute proceedings, or to make the order for demolition, or to take steps for pulling down an obstructive building,

the council may pass a resolution to that effect, and thereupon the powers of the district authority as respects the said dwelling-house and building under this part of this Act (otherwise than in respect of a scheme), shall be vested in the county council, and if a closing order or an order for demolition or for pulling down an obstructive building is made, and not disallowed on appeal, the expenses of the council incurred as respects the said dwelling-house and building, including any compensation paid, shall be a simple contract debt to the council from the district authority.

(3.) Any debt to the council under this section shall be defrayed by the district authority as part of their expenses in the execution of this part of this Act.

(4.) The county council and any of their officers shall, for the purposes of this section, have the same right of admission to any premises as any district authority or their officers have for the purpose of the execution of their duties under the enactments relating to public health, and a justice may make the like order for enforcing such admission.

*Special Provisions as to London.*

Application of part of Act to London

**46.** This part of this Act shall apply to the administrative county of London with the following modifications:—

(1.) The provisions of the Public Health Acts relating to private improvement expenses and to private improvement rates shall, for the purpose of this part of this Act, extend to the county and to the city of London, and in the construction of the said provisions, as respects the county of London, any local autho-

rity in that county, and as respects the city of London the Commissioners of Sewers, shall be deemed to be the urban authority.

(2.) The raising of sums required for purchase money or compensation payable under this part of this Act shall be a purpose for which the London County Council or the Commissioners of Sewers of the city of London, may borrow under Part One of this Act, and a purpose for which a vestry or district board may borrow under the Metropolis Management Act, 1855, and the provisions of Part One of this Act with respect to borrowing, and sections one hundred and eighty-three to one hundred and ninety-one of the Metropolis Management Act, 1855, shall apply and have effect accordingly.

18 & 19 Vict. c. 120.

(3.) The London County Council may, if they think fit, lend to a local authority in the administrative county of London the sums borrowed in pursuance of this part of this Act.

(4.) For the purpose of the assent required for the sale of any portion of the site of an obstructive building by a local authority, and of the account to be presented by a local authority of what has been done by them and of moneys received and paid by them during the previous year a Secretary of State shall be substituted for the Local Government Board.

(5.) Where it appears to the county council, whether in the exercise of the powers of a vestry or district board or on the representation of a vestry or district board or otherwise, that a scheme under this part of this Act ought to be made, the council may take proceedings for preparing and obtaining the confirmation of a scheme, and the provisions of this Act respecting the scheme shall apply in like manner as if they were the vestry or district board, and all expenses of and incidental to the scheme and carrying the same into effect shall, save as herein-after mentioned, be borne by the county fund.

(6.) Where the council consider that such expenses, or a contribution in respect of them, ought to be paid or made by a vestry or district board, they may apply to a Secretary of State, and the Secretary of State, if satisfied that, having regard to the size of the area, to the number, position, structure, sanitary condition, and neighbourhood of the buildings to be dealt with, the vestry or district board ought to pay, or make a contribution in respect of, the said expenses, the Secretary of State may order such payment or contribution to be made, and the amount thereof shall be a simple contract debt from the vestry or district board to the council.

(7.) The county council may, if they think fit, pay or contribute to the payment of the expenses of carrying into effect a scheme under this part of this Act by a vestry or district board, and if a vestry or district board consider that the expenses of carrying into effect any scheme under this part of this Act, or a contribution in respect of those expenses, ought to be paid or made by the county council, and the county council decline or fail to agree to pay or make the same, the vestry or district

board may apply to a Secretary of State, and if the Secretary of State is satisfied that, having regard to the size of the area, to the number, position, structure, sanitary condition, and neighbourhood of the buildings to be dealt with, the council ought to pay or make a contribution in respect of the said expenses, he may order such payment or contribution to be made, and the amount thereof shall be a simple contract debt from the council to the vestry or district board.

(8.) In the application of this section to Woolwich, the local board of health shall be deemed to be a district board, but the raising of any sums required for purchase money or compensation payable under this part of this Act shall be a purpose for which they may borrow under the Public Health Acts, and the Public Health Acts shall apply accordingly.

*Supplemental.*

**Provision as to superior landlord**

**47.**—(1.) Where an owner of any dwelling-house is not the person in receipt of the rents and profits thereof, he may give notice of such ownership to the local authority, and thereupon the local authority shall give such owner notice of any proceedings taken by them in pursuance of this part of this Act in relation to such dwelling-house.

(2.) If it appears to a court of summary jurisdiction on the application of any owner of the dwelling-house that default is being made in the execution of any works required to be executed on any dwelling-house in respect of which a closing order has been made, or in the demolition of any building or any dwelling-house or in claiming to retain any site, in pursuance of this part of this Act, and that the interests of the applicant will be prejudiced by such default, and that it is just to make the order, the court may make an order empowering the applicant forthwith to enter on the dwelling-house, and within the time fixed by the order to execute the said works, or to demolish the building or to claim to retain the site, as the case may be, and where it seems to the court just so to do, the court may make a like order in favour of any other owner.

(3.) A court of summary jurisdiction may in any case by order enlarge the time allowed under any order for the execution of any works or the demolition of a building, or the time within which a claim may be made to retain the site of a building.

(4.) Before an order is made under this section notice of the application shall be given to the local authority.

**Remedies of owner for breach of covenant, &c. not to be prejudiced.**

**48.** Nothing in this part of this Act shall prejudice or interfere with the right or remedies of any owner for the breach, non-observance, or non-performance of any covenant or contract entered into by a tenant or lessee in reference to any dwelling-house in respect of which an order is made by a local authority under this part of this Act; and if any owner is obliged to take possession of any dwelling-house in order to comply with any such order, the

taking possession shall not affect his right to avail himself of any such breach, non-observance, or non-performance that may have occurred prior to his so taking possession.

Service of notices.

**49.**—(1.) Where the owner of any dwelling-house and his residence or place of business are known to the local authority, it shall be the duty of the clerk of the local authority, if the residence or place of business is within the district of such local authority, to serve any notice by this part of this Act required to be served on the owner, by giving it to him, or for him, to some inmate of his residence or place of business within the district, and in any other case it shall be the duty of the clerk of the local authority to serve the notice by post in a registered letter addressed to the owner at his residence or place of business.

(2.) Where the owner of the dwelling-house or his residence or place of business is not known to, and after diligent inquiry cannot be found by the local authority, then the clerk of the local authority may serve the notice by leaving it, addressed to the owner, with some occupier of the dwelling-house, or if there be not an occupier, then by causing it to be put up on some conspicuous part of the dwelling-house.

(3.) Notice served upon the agent of the owner shall be deemed notice to the owner.

Description of owner in proceedings.

**50.** Where in any proceedings under this part of this Act it is necessary to refer to the owner of any dwelling-house, it shall be sufficient to designate him as the "owner" thereof without name or further description.

Penalty for preventing execution of Act

**51.**—(1.) If any person being the occupier of any dwelling-house prevents the owner thereof, or being the owner or occupier of any dwelling-house prevents the medical officer of health, or the officers, agents, servants, or workmen of such owner or officer from carrying into effect with respect to the dwelling-house any of the provisions of this part of this Act, after notice of the intention so to do has been given to such person, any court of summary jurisdiction on proof thereof may order such person to permit to be done on such premises all things requisite for carrying into effect, with respect to such dwelling-house, the provisions of this part of this Act.

(2.) If at the expiration of ten days after the service of such order such person fails to comply therewith, he shall for every day during which the failure continues be liable on summary conviction to a fine not exceeding twenty pounds: Provided that if any such failure is by the occupier, the owner, unless assenting thereto, shall not be liable to such fine.

Report to local authority by county medical officer.

45 & 46 Vict. c. 50.

**52.** A representation from the medical officer of health of any county submitted to the county council and forwarded by that council to the local authority of any district in the county, not being a borough as defined by the Municipal Corporations Act 1882, shall, for the purposes of this part of this Act, have the like effect as a representation from the medical officer of health of the district.

## PART III.

### WORKING CLASS LODGING HOUSES.

*Adoption of Part III.*

**53.**—(1.) The expression "lodging houses for the working classes" when used in this part of this Act shall include separate houses or cottages for the working classes, whether containing one or several tenements, and the purposes of this part of this Act shall include the provision of such houses and cottages.

Definition of purposes of Labouring Classes Lodging Houses Acts.

(2.) The expression "cottage" in this part of this Act may include a garden of not more than half an acre, provided that the estimated annual value of such garden shall not exceed three pounds.

**54.** This part of this Act may be adopted in the several districts mentioned in the First Schedule to this Act by the local authorities in that behalf in that schedule mentioned: Provided that in the case of any rural sanitary district in England, the adoption shall be only after such certificate and such delay as herein-after mentioned.

Adoption of this part of Act.

**55.**—(1.) A rural sanitary authority in any district desiring to adopt this part of this Act may apply to the county council of the county in which the area herein-after mentioned is wholly or as to the larger part thereof in extent situate for the certificate required for such adoption, and shall specify in such application the area in which they consider that accommodation is necessary for the housing of the working classes, and thereupon the county council shall direct a local inquiry to be held by a member of the council or any officer or person appointed by the council for the purpose, and if, after such local inquiry the person holding the inquiry certifies that accommodation is necessary in such area for the housing of the working classes, and that there is no probability that such accommodation will be provided without the execution of this part of this Act, and that having regard to the liability which will be incurred by the rates, it is under all the circumstances prudent for the said authority to undertake the provision of the said accommodation under the powers of this part of this Act, the county council may if they think fit publish that certificate in one or more local newspapers circulating in the district, and thereupon the sanitary authority may adopt this part of this Act: Provided that—

Provisions in case of adoption by rural sanitary authority.

(*a*) unless the county council state in publishing such certificate that, by reason of the date of the next ordinary election of members of such authority or otherwise, an emergency renders it necessary to adopt this part of this Act immediately, such adoption in pursuance of the certificate shall not take place before the ordinary election of members of such authority which is held next after the date of the local inquiry, and

(*b*) after the end of twelve months from the date of the certificate, this part of this Act shall not be adopted without a fresh certificate; and

(*c*) no land shall be acquired, nor buildings erected under this part of this Act outside of the area mentioned in the certificate except after a fresh application, inquiry, and certificate.

(2.) Where the rural sanitary authority think it just that the burden of the expenses of the execution of this part of this Act should be borne by some contributory place or places only in their district, instead of by the whole of their district, the authority may in their application to the county council request permission to limit the burden of such expenses to such contributory place or places, and thereupon the justice of such limitation shall be inquired into at the local inquiry, and the county council, if satisfied after the local inquiry that the circumstances of the contributory place or places and of the rest of the district render such limitation just, may make an order to that effect, and thereupon the expenses of the execution of this part of this Act in the area mentioned in the order shall be borne by the contributory place or places named in the order instead of by the whole district. The provisions of this enactment with respect to the burden of the expenses shall apply upon every application for a fresh certificate.

(3.) Any expenses incurred by a county council in holding a local inquiry under this part of this Act shall be a simple contract debt to the council from the rural sanitary authority, and shall be defrayed as part of the expenses of such authority in the execution of this part of this Act.

*Execution of Part III. by Local Authority.*

Powers of local authority.

**56.** Where this part of this Act has been adopted in any district, the local authority shall have power to carry it into execution (subject to the provisions of this part of this Act with respect to rural sanitary authorities), and for that purpose may exercise the same powers whether of contract or otherwise as in the execution of their duties in the case of the London county council under the Metropolis Management Act, 1855, and the Acts amending the same, or in the case of sanitary authorities under the Public Health Acts, or in the case of the Commissioners of Sewers under the Acts conferring powers on such Commissioners.

18 & 19 Vict. c. 120.
38 & 39 Vict. c. 55.

Acquisition of land.

**57.**—(1.) Land for the purposes of this part of this Act may be acquired by a local authority in like manner as if those purposes were purposes of the Public Health Act, 1875, and sections one hundred and seventy-five to one hundred and seventy-eight, both inclusive, of that Act (relating to the purchase of lands), shall apply accordingly, and shall for the purposes of this part of this Act extend to London in like manner as if the Commissioners of Sewers and London County Council respectively were a local authority in the said sections mentioned, and a Secretary of State were substituted for the Local Government Board.

38 & 39 Vict. c. 55.

(2.) The local authority may, if they think fit, contract for the purchase or lease of any lodging houses for the working classes already, or hereafter to be built and provided.

(3.) The local authority may, if not a rural sanitary authority with the consent of the Local Government Board, and if a rural sanitary authority with the consent of the county council of the county in which the land is situate, appropriate, for the purposes of this part of this Act, any lodging houses so purchased or taken on lease, and any other land which may be for the time being vested in them, or at their disposal.

**Local authority may purchase existing lodging houses.**

**58.** The trustees of any lodging houses for the working classes for the time being provided in any district by private subscriptions or otherwise, may, with the consent of a majority of the committee or other persons by whom they were appointed trustees, sell or lease the lodging houses to the local authority of the district, or make over to them the management thereof.

**Erection of lodging houses.**

**59.** The local authority may, on any land acquired or appropriated by them, erect any buildings suitable for lodging houses for the working classes, and convert any buildings into lodging houses for the working classes, and may alter, enlarge, repair, and improve the same respectively, and fit up, furnish, and supply the same respectively with all requisite furniture, fittings, and conveniences.

**Sale and exchange of lands.**

**60.** A local authority may, if not a rural sanitary authority with the consent of the Local Government Board, and if a rural sanitary authority with the consent of the county council of the county in which the land is situate, sell any land vested in them for the purposes of this part of this Act, and apply the proceeds in or towards the purchase of other land better adapted for those purposes, and may in like manner and with the like consent exchange any land so vested in them for land better adapted to the purposes of this part of this Act, either with or without paying or receiving any money for equality of exchange.

## *Management of Lodging Houses.*

**Management to be vested in local authority.**

**61.**—(1.) The general management, regulation, and control of the lodging houses established or acquired by a local authority under this part of this Act shall be vested in and exercised by the local authority.

(2.) The local authority may make such reasonable charges for the tenancy or occupation of the lodging houses provided under this part of this Act as they may determine by regulations.

**Byelaws for regulation of lodging houses.**

**62.**—(1.) The local authority may make byelaws for the management, use, and regulation of the lodging houses, and it shall be obligatory on the local authority, except in the case of a lodging house which is occupied as a separate dwelling, by such byelaws to

make sufficient provision for the several purposes expressed in the Sixth Schedule to this Act.

(2.) A printed copy or sufficient abstract of the byelaws relating to the management, use, and regulation of the lodging houses shall be put up and at all times kept in every room therein.

Disqualification of tenants of lodging houses on receiving parochial relief.

**63.** Any person who, or whose wife or husband, at any time while such person is a tenant or occupier of any such lodging house, or any part of such a lodging house, receives any relief under the Acts relating to the relief of the poor other than relief granted on account only of accident or temporary illness, shall thereupon be disqualified for continuing to be such a tenant or occupier.

When lodging houses are considered too expensive they may be sold.

**64.** Whenever any lodging houses established for seven years or upwards under the authority of this part of this Act are determined by the local authority to be unnecessary or too expensive to be kept up, the local authority may, if not a rural sanitary authority with the consent of the Local Government Board, and if a rural sanitary authority with the consent of the county council of the county in which the lodging-houses are situate, sell the same for the best price that can reasonably be obtained for the same, and the local authority shall convey the same accordingly.

*Expenses and Borrowing of Local Authorities.*

Payment of expenses.

**65.** All expenses incurred by a local authority in the execution of this part of this Act shall be defrayed—

(i.) in the case of an authority in the administrative county of London, out of the Dwelling House Improvement Fund under Part I. of this Act;

(ii.) in the case of an urban sanitary authority, as part of the general expenses of their execution of the Public Health Acts; and

(iii.) in the case of a rural sanitary authority, as special expenses incurred in the execution of the Public Health Acts, and, save where the burden of such expenses is by order of the county council who published the certificate to be borne by one contributory place only, shall be deemed to be incurred for the common benefit of all the contributory places liable to bear such expenses.

Provided that if on the application of the rural sanitary authority it is so declared at the time of the publication of the certificate by the county council who published the same, then the said expenses of the rural sanitary authority shall be defrayed as general expenses of the said authority in the execution of the Public Health Acts, and if such expenses are not to be borne by the whole of the district, shall be paid out of a common fund to be raised in manner provided by the Public Health Act, 1875, but as if the contributory places which are to bear those expenses constituted the whole of the district.

**66.** The London County Council and the Commissioners of Sewers may borrow for the purpose of the execution of this part of this Act, in like manner and subject to the like conditions as they may borrow for the purposes of Part I. of this Act, and a sanitary authority may borrow for the purpose of the execution of this part of this Act in like manner and subject to the like conditions as for the purpose of defraying the above-mentioned general or special expenses. Borrowing for purposes of Part III.

*Loans to and Powers of Companies, Societies, and Individuals.*

**67.**—(1.) In addition to the powers conferred upon them by any other enactment, the Public Works Loan Commissioners may, out of the funds at their disposal, advance on loan to any such body or proprietor as herein-after mentioned; namely,— Loans by Public Works Commissioners.

(*a.*) any railway company or dock or harbour company, or any other company, society, or association established for the purpose of constructing or improving, or of facilitating or encouraging the construction or improvement of dwellings for the working classes, or for trading or manufacturing purposes (in the course of whose business, or in the discharge of whose duties persons of the working classes are employed);

(*b.*) any private person entitled to any land for an estate in fee simple, or for any term of years absolute, whereof not less than fifty years shall for the time being remain unexpired;

and any such body or proprietor may borrow from the Public Works Loan Commissioners such money as may be required for the purpose of constructing or improving, or of facilitating or encouraging the construction or improvement of dwellings for the working classes.

(2.) Such loans shall be made in manner provided by the Public Works Loans Act, 1875, subject to the following provisions:— 38 & 39 Vict. c. 89.

(*a.*) Any such advance may be made whether the body of proprietor receiving the same has or has not power to borrow on mortgage or otherwise, independently of this Act; but nothing in this Act shall repeal or alter any regulation, statutory or otherwise, whereby any company may be restricted from borrowing until a definite portion of capital is subscribed for, taken, or paid up.

(*b.*) The period for the repayment of the sums advanced shall not exceed forty years.

(*c.*) No money shall be advanced on mortgage of any land or dwellings solely, unless the estate therein proposed to be mortgaged shall be either an estate in fee simple, or an estate for a term of years absolute, whereof not less than fifty years shall be unexpired at the date of the advance.

(*d.*) The money advanced on the security of a mortgage of any land or dwellings solely shall not exceed one moiety of the value, to be ascertained to the satisfaction of the Public Works Loan Commissioners, of the estate or interest in such land or

dwellings proposed to be mortgaged; but advances may be made by instalments from time to time as the building of the dwellings on the land mortgaged progresses, so that the total advance do not at any time exceed the amount aforesaid; and a mortgage may be accordingly made to secure such advances so to be made from time to time.

(3.) For the purpose of constructing or improving or facilitating or encouraging the construction or improvement of dwellings for the working classes, every such body as aforesaid is hereby authorised to purchase, take, and hold land, and if not already a body corporate shall, for the purpose of holding such land under this part of this Act, and of suing and being sued in respect thereof, be nevertheless deemed a body corporate with perpetual succession.

Powers to companies.

**68.** Any railway company, or dock or harbour company or any other company, society, or association, established for trading or manufacturing purposes in the course of whose business or in the discharge of whose duties persons of the working class are employed, may and are hereby (notwithstanding any Act of Parliament, or charter, or any rule of law or equity to the contrary) authorised at any time to erect, either on their own land or on any other land (which they are hereby authorised to purchase and hold for the purpose, and to pay for out of any funds at their disposal), dwellings for the accommodation of all or any of the persons of the working class employed by them.

Power to water and gas companies to supply water and gas to lodging houses.

**69.** Any commissioners of waterworks, trustees of waterworks, water companies, gas companies, and other corporations, bodies, and persons having the management of any waterworks, reservoirs, wells, springs, or streams of water, and gasworks respectively, may, in their discretion, grant and furnish supplies of water or gas for lodging-houses provided under this part of this Act, either without charge or on such other favourable terms as they think fit.

Inspection of lodging houses.

**70.** A lodging-house established in any district under this part of this Act, shall be at all times open to the inspection of the local authority of that district or of any officer from time to time authorised by such authority.

Application of penalties.

**71.** Any fine for the breach of any byelaw under this part of this Act shall be paid to the credit of the funds out of which the expenses of this part of this Act are defrayed.

## PART IV.

### SUPPLEMENTAL.

Limit of area to be dealt with on official representation.

**72.** Where an official representation made to the London county council in pursuance of Part I. of this Act relates to not more than ten houses, the London county council shall not take any proceedings on such representation, but shall direct the medical officer of health making the same to represent the case to the local authority

under Part II. of this Act, and it shall be the duty of the local authority to deal with such case in manner provided by that part of this Act.

Provisions as to parts of Act under which reports are to be dealt with in county of London.

**73.**—(1.) In either of the following cases:

(*a.*) Where a medical officer of health has represented to any local authority in the county of London under Part II. of this Act that any dwelling-houses are in a condition so dangerous or injurious to health, as to be unfit for human habitation, or that the pulling down of any obstructive buildings would be expedient, and such authority resolve that the case of such dwelling-houses or buildings is of such general importance to the county of London that it should be dealt with by a scheme under Part I. of this Act; or

(*b.*) Where an official representation as mentioned in Part I. of this Act has been made to the London county council in relation to any houses, courts, or alleys within a certain area, and that council resolve that the case of such houses, courts, or alleys is not of general importance to the county of London and should be dealt with under Part II. of this Act;

such local authority or council may submit such resolution to a Secretary of State, and thereupon the Secretary of State may appoint an arbitrator, and direct him to hold a local inquiry, and such arbitrator shall hold such inquiry, and report to the Secretary of State as to whether, having regard to the size of the area, to the number of houses to be dealt with, to the position, structure, and sanitary condition of such houses, and of the neighbourhood thereof, and to the provisions of Part I. of this Act, the case is either wholly or partially of any and what importance to the county of London, with power to such arbitrator to report that in the event of the case being dealt with under Part II. of this Act, the London county council ought to make a contribution in respect of the expense of dealing with the case.

(2.) The Secretary of State, after considering the report of the arbitrator, may, according as to him seems just, decide that the case shall be dealt with either under Part II. of this Act, or under Part I. of this Act, and the medical officer of health or other proper officer shall forthwith make the representation necessary for proceedings in accordance with such decision.

Amendment of 45 & 46 Vict. c. 38. as regards erection of buildings for working classes.

**74.**—(1.) The Settled Land Act, 1882, shall be amended as follows:—

(*a.*) Any sale, exchange, or lease of land in pursuance of the said Act, when made for the purpose of the erection on such land of dwellings for the working classes, may be made at such price, or for such consideration, or for such rent, as having regard to the said purpose, and to all the circumstances of the case, is the best that can be reasonably obtained, notwithstanding that a higher price, consideration, or rent might have been obtained if the land were sold, exchanged, or leased for another purpose.

(*b*.) The improvements on which capital money may be expended, enumerated in section twenty-five of the said Act, and referred to in section thirty of the said Act, shall, in addition to cottages for labourers, farm servants, and artizans whether employed on the settled land or not, include any dwellings available for the working classes, the building of which in the opinion of the Court is not injurious to the estate.

(2.) Any body corporate holding land may sell, exchange, or lease the land for the purpose of the erection of dwellings for the working classes at such price, or for such consideration, or for such rent as having regard to the said purpose and to all the circumstances of the case is the best that can reasonably be obtained, notwithstanding that a higher price, consideration, or rent might have been obtained if the land were sold, exchanged, or leased for another purpose.

Condition to be implied on letting houses for the working classes.

**75.** In any contract made after the fourteenth day of August one thousand eight hundred and eighty-five for letting for habitation by persons of the working classes a house or part of a house, there shall be implied a condition that the house is at the commencement of the holding in all respects reasonably fit for human habitation. In this section the expression "letting for habitation by persons of the working classes" means the letting for habitation of a house or part of a house at a rent not exceeding in England the sum named as the limit for the composition of rates by section three of the Poor Rate Assessment and Collection Act, 1869, and in Scotland or Ireland four pounds.

32 & 33 Vict. c. 41.

Medical officer of health in county of London.

**76.**—(1.) The London county council may, with the consent of a Secretary of State, at any time appoint one or more legally qualified practitioner or practitioners, with such remuneration as they think fit, for the purpose of carrying into effect any part of this Act.

(2.) Any medical officer of health appointed by the London county council, and any officer appointed under this section by the London county council, shall be deemed to be a medical officer of health of a local authority within the meaning of this Act.

Power to local authority to enter and value premises.

**77.** Any person authorised by the local authority may at all reasonable times of the day, on giving twenty-four hours notice in writing to the occupier of his intention so to do, enter any dwelling-house, premises, or building which the local authority are authorised to purchase compulsorily under Part I. or Part II. of this Act for the purpose of surveying and valuing such dwelling-house, premises, or building.

Compensation to tenants for expense of removal.

**78.** Where a building or any part of a building purchased by the local authority in pursuance of a scheme under Part I. or Part II. of this Act is not closed by a closing order, and is occupied by any tenant whose contract of tenancy is for less than a year, the local authority, if they require him to give up possession of such building or part for the purpose of pulling down the building,

may make to the said tenant a reasonable allowance on account of his expenses in removing.

**79.**—(1.) Anything which under Part I. or Part II. of this Act is authorised or required to be done by or to a medical officer of health may be done by or to any person authorised to act temporarily as such medical officer of health.

Duties of medical officer of health.

(2.) Every representation made by a medical officer of health in pursuance of this Act shall be in writing.

**80.**—(1.) Separate accounts shall be kept by the local authority and their officers of their receipts and expenditure under each part of this Act.

Accounts and audit.

(2.) Such accounts shall be audited in the like manner and with the like power to the officer auditing the same, and with the like incidents and consequences, as the accounts of the local authority are for the time being required to be audited by law.

**81.** For the purposes of this Act, a local authority acting under this Act may appoint out of their own number so many persons as they may think fit, for any purposes of this Act which in the opinion of such authority would be better regulated and managed by means of a committee: Provided that a committee so appointed shall in no case be authorised to borrow any money, to make any rate, or to enter into any contract, and shall be subject to any regulations and restrictions which may be imposed by the authority that formed it.

Power of local authority to appoint committees.

**82.** Where a local authority sell any land acquired by them for any of the purposes of this Act, the proceeds of the sale shall be applied for any purpose, including repayment of borrowed money, for which capital money may be applied, and which is approved by the Local Government Board.

Application of purchase money.

**83.** Any loan advanced by the Public Works Loan Commissioners in pursuance of this Act or for labourers dwellings in pursuance of the Public Works Loans Act, 1875, or any Act amending the same, shall bear such rate of interest not less than three pounds two shillings and sixpence per cent. per annum, as the Treasury may from time to time authorise as being in their opinion sufficient to enable such loans to be made without loss to the Exchequer.

Rates of loans by Public Works Loan Commissioners.

38 & 39 Vict. c. 89.

**84.** With respect to byelaws authorised by this Act to be made—

Application of certain provisions as to byelaws.

(*a*) sections two hundred and two and two hundred and three of the Metropolis Management Act, 1855, where such byelaws are made by the London county council, or any nuisance authority in the administrative county of London; and

18 & 19 Vict. c. 120.

(*b*) the provisions of the Public Health Act, 1875, relating to byelaws, where such byelaws are made by a sanitary authority,

38 & 39 Vict. c. 55.

shall apply to such byelaws, and a fine or penalty under any such byelaw may be recovered on summary conviction.

Local inquiries.

**85.**—(1.) For the purposes of the execution of their duties under this Act the Local Government Board may cause such local inquiries to be held as the Board see fit, and the costs incurred in relation to any such local inquiry, and to any local inquiry which any other confirming authority holds or causes to be held, including the salary or remuneration of any inspector or officer of or person employed by the Board or confirming authority engaged in the inquiry not exceeding three guineas a day, shall be paid by the local authorities and persons concerned in the inquiry, or by such of them and in such proportions as the Board or confirming authority may direct, and that Board or authority may certify the amount of the costs incurred, and any sum so certified and directed by that Board or authority to be paid by any local authority or person shall be a debt to the Crown from such local authority or person.

(2.) Sections two hundred and ninety-three to two hundred and ninety-six and section two hundred and ninety-eight of the Public Health Act, 1875, shall apply for the purpose of any order to be made by the Local Government Board or any local inquiry which that Board cause to be held in pursuance of any part of this Act.

Orders, notices, &c.

**86.**—(1.) An order in writing made by a local authority under this Act shall be under their seal and authenticated by the signature of their clerk or his lawful deputy.

(2.) A notice, demand, or other written document proceeding from the local authority under this Act shall be signed by their clerk or his lawful deputy.

Service of notice, &c. on the local authority.

**87.** Any notice, summons, writ or other proceeding at law or otherwise required to be served on a local authority in relation to carrying into effect the objects or purposes of this Act, or any of them, may be served upon that authority by delivering the same to their clerk, or leaving the same at his office with some person employed there.

Prohibition on persons interested voting as members of local authority.

**88.**—(1.) A person shall not vote as member of a local authority or county council or any committee thereof upon any resolution or question which is proposed or arises in pursuance of Part I. or Part II. of this Act, if it relates to any dwelling-house, building, or land in which he is beneficially interested.

(2.) If any person votes in contravention of this section he shall, on summary conviction, be liable for each offence to a fine not exceeding fifty pounds; but the fact of his giving the vote shall not invalidate any resolution or proceeding of the local authority or county council.

Penalty for obstructing the execution of Act.

**89.** Where any person obstructs the medical officer of health, or any officer of the local authority, or of the confirming authority mentioned in Part I. of this Act, in the performance of anything which such officer or authority is by this Act required or authorised to do, such person shall, on summary conviction, be liable to a fine not exceeding twenty pounds.

**90.** Offences under this Act punishable on summary conviction may be prosecuted and fines recovered in manner provided by the Summary Jurisdiction Acts. Punishment of offences and recovery of fines.

**91.** All powers given by this Act shall be deemed to be in addition to and not in derogation of any other powers conferred by Act of Parliament, law, or custom, and such other powers may be exercised in the same manner as if this Act had not passed, and nothing in this Act shall exempt any person from any penalty to which he would have been subject if this Act had not passed. Powers of Act to be cumulative.

Provided that a local authority shall not, by reason of any local Act relating to a place within its jurisdiction, be exempted from the performance of any duty or obligation to which such authority are subject under any part of this Act.

**92.** In this Act, unless the context otherwise requires, "district," "local authority," and "local rate," mean respectively the areas, bodies of persons, and rates specified in the table contained in the First Schedule to this Act, but in Part III. of this Act and in reference to any power given by that part, or any act to be done in pursuance thereof shall mean such area, bodies of persons, and rate only in cases where that part of this Act is adopted or being adopted. Definition of local authority, districts, local rate.

**93.** In this Act, unless the context otherwise requires— Definitions.

The expression "land" includes any right over land: "Land."

The expression "sanitary district" means the district of a sanitary authority: "Sanitary district."

The expression "sanitary authority" means an urban sanitary authority or a rural sanitary authority: "Sanitary authority."

The expressions "urban sanitary authority" and "rural sanitary authority" and "contributory place" have respectively the same meanings as in the Public Health Act, 1875: "Urban and rural sanitary authority"; "contributory place."

The expression "superior court" means the Supreme Court: "Superior court."

The expression "county of London," except where specified to be the administrative county of London, means the county of London exclusive of the city of London. "County of London."

## PART V.

### Application of Act to Scotland.

In the application of this Act to Scotland the following provisions shall have effect,—

**94.**—(1.) A reference to any sections of the Lands Clauses Consolidation Act, 1845, shall be construed to mean a reference to the corresponding sections of the Lands Clauses Consolidation (Scotland) Act, 1845. Modification as respects reference to Scotch Acts.

(2.) Where a dispute under this Act is to be settled by two justices in manner provided by the Lands Clauses Acts in cases

where the compensation claimed in respect of lands does not exceed fifty pounds such dispute shall be settled in Scotland by the sheriff in manner provided by the Lands Clauses Consolidation (Scotland) Act, 1845, in similar cases.

8 & 9 Vict. c. 19.

30 & 31 Vict. c. 101.

(3.) The Public Health (Scotland) Act, 1867, and the Acts amending the same shall be substituted for the Public Health Acts and in particular—

(*a*.) With respect to the purchase of land a reference to section ninety of the said Public Health (Scotland) Act, 1867, shall be substituted for a reference to sections one hundred and seventy-five to one hundred and seventy-eight of the Public Health Act, 1875:

(*b*.) Local inquiries by the Board of Supervision shall be held under sections ten to thirteen of the Public Health (Scotland) Act, 1867, and local inquiries by the Secretary for Scotland under the Local Government (Scotland) Act, 1889, and the provisions of sub-section one of section eighty-five of this Act shall apply to such inquiries by the Board of Supervision:

52 & 53 Vict. c. 50.

(*c*.) The provisions as to private improvement expenses and the defraying thereof shall not apply to Scotland; and the local authority shall be entitled to recover in a summary manner the amount apportioned to any building in respect of its increase in value by reason of the demolition of any obstructive building, from the owner or occupier thereof, according to their respective interests in such increase of value.

(4.) The Acts relating to nuisances mean, as respects any place in Scotland, the Public Health (Scotland) Act, 1867, and any Act amending the same, and the Local Government (Scotland) Act, 1889, and any local Act which contains any provisions with respect to nuisances in that place.

Modifications as regards legal proceedings in Scotland.

**95.**—(1.) A charging order under Part II. of this Act shall be recorded in the appropriate register of sasines.

(2.) Superior court means in Scotland the Court of Session, and where any order, certificate, or other act under this Act may be made a rule of a superior court, the Court of Session in Scotland may, on the application of the Lord Advocate, on behalf of the confirming authority, or on the application of any person interested, interpose their authority to any such order, certificate, or act, and grant decree conform thereto upon which execution and diligence may proceed in common form.

(3.) An appeal from an order of a local authority under Part II. of this Act shall, in Scotland, be to the sheriff, and the same procedure shall apply as on an appeal from the sheriff substitute to the sheriff, but with the same provisoes as apply to the appeal in England from the order of the local authority to a court of quarter sessions.

(4.) Offences under this Act punishable on summary conviction may be prosecuted and fines recovered before the sheriff or two justices or in burghs before the magistrates in manner provided by the Summary Jurisdiction (Scotland) Acts, and all necessary

jurisdiction is hereby conferred on such sheriff or two justices, or any two magistrates of a burgh.

Miscellaneous modifications.

**96.**—(1.) This Act shall be read and construed as if for the expression "the Local Government Board," wherever it occurs therein, the expression "the Secretary for Scotland" were substituted, except that the provisions of this Act with respect to the adoption and execution of Part III. of this Act by a rural sanitary authority shall apply to the adoption and execution thereof by a local authority, being a district committee, and the Board of Supervision for the Relief of the Poor in Scotland shall be substituted in the said Part for the county council.

(2.) The expenses incurred by a local authority under this Act may be defrayed in the same manner as general expenses under section ninety-four, sub-section two, of the Public Health (Scotland) Act, 1867, and money may be borrowed for the purposes of this Act in the same manner and subject to the same conditions as nearly as may be as money may be borrowed for the erection of hospitals under the Public Health (Scotland) Amendment Act, 1871; provided that the assessment therefor shall be levied only within the parish or parishes in respect of which such expenses are incurred.

(3.) The Edinburgh Gazette shall be substituted for the London Gazette.

(4.) The expression "medical officer of health" means medical officer.

(5.) The expression "person entitled to the first estate of freehold in" means owner of.

(6.) The expression "court of quarter sessions" means the sheriff.

(7.) The expression "urban sanitary authority" means the local authority under the Public Health (Scotland) Act, 1867, being a town council or police commissioners or trustees exercising the functions of police commissioners.

(8.) The expression "rural sanitary authority" means a district committee, or where a county has not been divided into districts under the Local Government (Scotland) Act, 1889, the county council.

(9.) The expression "contributory place" means a parish.

(10.) The expression "court of summary jurisdiction" means the sheriff or any two justices of the peace sitting in open court, or any magistrate or magistrates within the meaning of the Summary Jurisdiction Acts.

(11.) The expression "executors, administrators, or assigns" means heirs, executors, or assignees.

(12.) The expression "mortgage" means bond and disposition in security.

(13.) The reference to quitrents and other charges incident to tenure, and to tithe commutation rentcharge shall be read as applicable to feu duties, casualties, and teinds.

(14.) With respect to byelaws authorised by this Act to be made, the provisions of the Public Health (Scotland) Act, 1867,

relating to rules and regulations for common lodging houses shall apply to such byelaws with the necessary variations, and a fine or penalty under any such byelaw may be recovered on summary conviction.

(15.) An order in writing made by a local authority under this Act, where such local authority have not a seal, shall be authenticated by the signature of any two or more members of the local authority and of their clerk or his lawful deputy.

(16.) The provisions of Part II. of this Act with respect to the powers of county councils shall not apply to Scotland.

Provision as to superior of lands for purpose of Part II.

**97.**—(1.) The superior of any lands and heritages may give notice of his right of superiority to the local authority, and thereupon the local authority shall give such superior notice of any proceedings taken by them in pursuance of Part II. of this Act in relation to such lands and heritages;

(2.) If it appears to the sheriff, on the application of such superior, that default is being made in the execution of any works required to be executed on such lands and heritages in respect of which a closing order has been made, or in the demolition of a building on such lands and heritages, or in claiming to retain any site, in pursuance of Part II. of this Act, and that the interests of the applicant will be prejudiced by such default, and that it is just to make the order, the sheriff may make an order empowering the applicant forthwith to enter on the lands and heritages, and within the time fixed by the order to execute the said works, or to demolish the building, or to claim to retain the site, as the case may be:

(3.) The sheriff may in any case, by order, enlarge the time allowed under any order for the execution of any works or the demolition of a building, or the time within which a claim may be made to retain the site of a building;

(4.) Before an order is made under this section notice of the application shall be given to the local authority.

## PART VI.

### APPLICATION OF ACT TO IRELAND.

Modification in application of Act to Ireland.

41 & 42 Vict. c. 52.

**98.** In the application of this Act to Ireland the following provisions shall have effect—

(1.) The Public Health (Ireland) Act, 1878, shall be substituted for the Public Health Act, 1875, and in particular the references in this Act to sections one hundred and seventy-five, one hundred and seventy-six and one hundred and seventy-seven of the Public Health Act, 1875, shall be respectively taken to be references to sections two hundred and two, two hundred and three, and two hundred and four, respectively, of the Public Health (Ireland) Act, 1878, and the reference to sections two hundred and ninety-three to two hundred and ninety-six, two hundred and ninety-eight of the Public Health Act, 1875, shall

be taken to be a reference to sections two hundred and nine, two hundred and ten, two hundred and twelve, two hundred and thirteen, and two hundred and fifteen of the Public Health (Ireland) Act, 1878.

(2.) The Acts relating to nuisances mean as respects any place in Ireland the Public Health (Ireland) Act, 1878, and any local Act which contains any provisions with respect to nuisances in that place.

(3.) The expression "quarter sessions" means, in towns and boroughs where there are separate quarter sessions, the quarter sessions of the said towns and boroughs, and in towns and boroughs where there are no separate quarter sessions, the quarter sessions of the division of the counties in which such towns or boroughs are situate.

(4.) The provisions of section twenty-four of the Petty Sessions (Ireland) Act, 1851, respecting appeals from courts of summary jurisdiction authorised by that section, and any enactment amending the same, shall in Ireland apply in the case of appeals from an order of a local authority to a court of quarter sessions under Part II. of this Act, as if such order was an order of a court of summary jurisdiction, but with the same provisoes as apply under this Act in the case of such an appeal in England. 14 & 15 Vict. c. 93.

(5.) The Local Government Board for Ireland shall be substituted for the Local Government Board.

(6.) The Commissioners of Public Works in Ireland acting with the consent of the Treasury shall be substituted for the Public Works Loan Commissioners.

(7.) The medical officer of health in Ireland shall include the medical superintendent officer of health appointed under the Public Health (Ireland) Act, 1878.

(8.) The Dublin Gazette shall be substituted for the London Gazette.

(9.) Every charging order under Part II. of this Act shall be registered in the office for registering deeds, conveyances, and wills in Ireland.

(10.) An order in writing made by a local authority under this Act, where such local authority have not a seal, shall be authenticated by the signature of any two or more members of the local authority and of their clerk or his lawful deputy.

(11.) The accounts of the local authority under this Act shall be audited in the like manner and with the like power to the officer auditing the same, and with the like incidents and consequences, as the accounts of that authority as a sanitary authority are for the time being required to be audited by law.

(12.) The consent of the Treasury shall in Ireland be substituted for the consent of the Local Government Board required under Part III. of this Act to the appropriation of land for lodging houses, to the sale and exchange of land, and to the sale of lodging houses when considered too expensive.

Adoption of Part III. of Act by town commissioners of small towns in Ireland.

**99.**—(1.) In a town not being an urban sanitary district Part III. of this Act may be adopted by any town commissioners for the time being existing for the paving, lighting, or cleansing of that town under any Public Act of Parliament or any charter, and the Act when adopted shall be carried into execution by such town commissioners, and for that purpose they shall be deemed to be a local authority within the meaning of the said part.

(2.) Such commissioners shall give not less than twenty-eight nor more than forty-two days public notice of their intention to take into consideration the propriety of adopting the said part of this Act, and of the time and place for holding the meeting when they will take it into consideration.

(3.) If at that meeting there is presented to the commissioners a memorial in writing signed by not less than one-tenth in value of the persons liable to be rated to rates made by such commissioners requesting them to postpone the said consideration for a period of one year, then the consideration shall be so postponed, and shall be entered upon as soon after the expiration of the year as the commissioners think fit.

(4.) If the said part of this Act is adopted, the local rate shall be any rate which the commissioners have power to impose for the purpose of paving, lighting, cleansing, or otherwise improving the town, and such rate may, with the approval of the Treasury, be increased for the purpose.

(5.) The net income arising from any lodging-houses or dwellings provided by the commissioners in pursuance of the said part of this Act, after the payment of all out-goings, including the interest and instalments of principal of any loan, shall be paid to the town commissioners fund, or otherwise in aid of the rates which have been applied to the payment of the expenses.

Incorporation of sections of 10 & 11 Vict. c. 16. for purposes of Part III. of Act.

**100.** Sections fifty-six to sixty-four, both inclusive, and sections ninety-nine to one hundred and three, both inclusive, of the Commissioners Clauses Act, 1847, shall be incorporated with Part III. of this Act, so far as regards any town commissioners or any dock or harbour company or commissioners; and in the construction of the said sections for the purposes of the part of this Act with which they are so incorporated, the expression "commissioners" shall mean any such commissioners or company as aforesaid, and the expression "special Act" shall mean this Act.

Power of making byelaws for labourers dwellings in Ireland.

**101.**—(1.) Any company, society, or association establishing lodging-houses in pursuance of Part III. of this Act shall have the same power of making byelaws for the regulation of such lodging-houses as a local authority have under the said part.

(2.) Any byelaw made for the regulation of lodging-houses in pursuance of Part III. of this Act shall not be valid until approved by the Local Government Board, and a production of a copy of the byelaws purporting to be sealed with the seal of the Local Government Board and signed by the President or by the Under Secretary to the Lord Lieutenant or by the Vice-President,

or by two other members of the Board both signing, shall be sufficient evidence of such approval in all courts of justice and elsewhere.

(3.) Where a byelaw has been so approved, any fine imposed by the same may be recovered before a court of summary jurisdiction; and one-half of any fine so recovered shall be paid to the informer and the other half to the authority who made the byelaw, and shall be applied by them in aid of the expenses of the lodging-houses.

## PART VII.

### REPEAL AND TEMPORARY PROVISIONS.

**102.** The Acts mentioned in the Seventh Schedule to this Act are hereby repealed to the extent in the third column of that schedule specified. Repeal of Acts.

Provided that:—

(1.) Where the Labouring Classes Lodging Houses Acts, 1851 to 1885, have been adopted in any district, that adoption shall be deemed to be an adoption of Part III. of this Act, and this Act shall apply accordingly;

(2.) Any officer appointed under any enactment hereby repealed shall continue and be deemed to be appointed under this Act;

(3.) Any dwelling houses acquired by the local authority under the Artizans Dwellings Acts, 1868 to 1885, and vested in them at the commencement of this Act, shall be held by such local authority as if they had been acquired under the provisions of Part III. of this Act, and any land or premises other than dwelling houses so acquired and held by them at the commencement of this Act shall be held as if the same had been acquired as a site of an obstructive building in pursuance of Part II. of this Act, but may with the consent of the authority authorised by the said part of this Act to consent to the sale of land so acquired be appropriated for the purposes of Part III. of this Act.

**103.** The provisions of this Act relating to compensation, to the power of the local authority to enter and value premises, to the compensation of tenants for expense of removal, shall be applicable in the case of all improvement schemes which have been confirmed by Act of Parliament during the session in which this Act is passed. Temporary provisions.

# SCHEDULES.

Sections 54, 92.

## FIRST SCHEDULE.

## ENGLAND AND WALES.

| District. | Local Authority. | Local Rate. |
|---|---|---|
| | *Throughout Act.* | |
| Urban sanitary district - | The urban sanitary authority. | The rate out of which the general expenses of the execution of the Public Health Acts are defrayed. |
| The city of London - | The Commissioners of Sewers. | The sewer rate and the consolidated rate levied by such Commissioners, or either of such rates |
| | (1.) *For the purpose of Parts I. and III.* | |
| The county of London - | The County Council of London. | The county fund and the amount payable shall be deemed to be required for special county purposes. |
| | (2.) *For the purposes of Part II.* | |
| A parish other than the parish of Woolwich mentioned in Schedule A. to the Metropolis Management Act, 1855, as amended by the Metropolis Management (Amendment) Act, 1885, and the Metropolis Management (Battersea and Westminster) Act, 1887 | The Vestry elected under the Metropolis Management Act, 1855 | The general rate leviable by such vestry or board under the Metropolis Management Act, 1855. |
| A district mentioned in Schedule B. to the Metropolis Management Act, 1855, as amended by the Metropolis Management (Amendment) Act, 1885, and the Metropolis Management (Battersea and Westminster) Act, 1887. | The Board of Works for the district elected under the Metropolis Management Act, 1855. | |
| Parish of Woolwich - | The local board of health. | The district fund and general district rate. |
| | (3.) *For the purposes of Parts II. and III* | |
| Rural sanitary district - | The rural sanitary authority. | The rate out of which the "general" or "special" expenses, as the case may be, of the execution of the Public Health Acts are defrayed. |

## SCOTLAND.

*Throughout Act.*

| District. | Local Authority. | Local Rate. |
|---|---|---|
| Districts under the Public Health (Scotland) Act, 1867, exclusive of parishes or parts thereof over which the jurisdiction of a town council or of police commissioners or trustees exercising the functions of police commissioners does not extend. | The local authorities under the Public Health (Scotland) Act, 1867, in those districts. | The public health rate. |
| *Under Parts II. and III.* | | |
| Districts under the Public Health (Scotland) Act, 1867, as amended by the Local Government (Scotland) Act, 1889. | The local authorities under the Public Health (Scotland) Act, 1867, in those districts. | The public health rate. |

## IRELAND.

*Under Parts I. and III.*

| | | |
|---|---|---|
| Urban sanitary district - | The urban sanitary authority. | The rate out of which the general expenses of the execution of the Public Health (Ireland) Act, 1878, are defrayed in these districts. |
| *Under Part II.* | | |
| Urban sanitary district - | The urban sanitary authority. | The rate out of which the general expenses of the execution of the Public Health (Ireland) Act, 1878, are defrayed in the district. |
| Rural sanitary district - | The rural sanitary authority. | The rate out of which the special expenses of the execution of the Public Health (Ireland) Act, 1878, are defrayed in the district. |

*Note.*

In any case in the United Kingdom where an urban sanitary authority does not levy a borough rate or any general district rate, but is empowered by a Local Act or Acts to borrow money and to levy a rate or rates throughout the whole of their district for purposes similar to those or to some of those for which a general district rate is leviable, it shall be lawful for such sanitary authority to defray the expenses incurred in the execution of Part III. of this Act by means of money to be borrowed, and a rate or rates to be levied, under such Local Act or Acts.

Section 20.

## SECOND SCHEDULE.

PROVISIONS WITH RESPECT TO THE PURCHASE AND TAKING OF LANDS IN ENGLAND OTHERWISE THAN BY AGREEMENT. AND OTHERWISE AMENDING THE LANDS CLAUSES ACTS.

### *Deposit of Maps and Plans.*

1-4. 38 & 39 Vict. c. 36, Sch.

(1.) The local authority shall as soon as practicable after the passing of the confirming Act cause to be made out, and to be signed by their clerk or some other principal officer appointed by them, maps and schedules of all lands proposed to be taken compulsorily, (which lands are herein-after referred to as the scheduled lands,) together with the names, so far as the same can be reasonably ascertained, of all persons interested in such lands as owners or reputed owners, lessees or reputed lessees, or occupiers.

(2.) The maps made by the local authority shall be upon such scale and be framed in such manner as may be prescribed by the confirming authority.

(3.) The local authority shall deposit such maps and schedules at the office of the confirming authority, and shall deposit and keep copies of such maps and schedules at the office of the local authority.

### *Appointment of Arbitrator.*

(4.) After such deposit at the office of the confirming authority as aforesaid, it shall be lawful for the confirming authority, upon the application of the local authority, to appoint an arbitrator between the local authority, and the persons interested in such of the scheduled lands, or lands injuriously affected by the execution of such scheme, so far as compensation for the same has not been made the subject of agreement.

### *Proceedings on Arbitration.*

45 & 46 Vict. c. 54. Sch. (1.) *a-f.*

(5.) Before any arbitrator enters upon any inquiry he shall, in the presence of a justice of the peace, make and subscribe the following declaration; that is to say,

'I *A.B.* do solemnly and sincerely declare, that I will faithfully and 'honestly, and to the best of my skill and ability, hear and determine the 'matters referred to me under the provisions of the Housing of the 'Working Classes Act, 1890.

*A.B.*

'Made and subscribed in the presence of '

And such declaration shall be annexed to the award when made; and if any arbitrator, having made such declaration wilfully act contrary thereto, he shall be guilty of a misdemeanor.

(6.) As soon as an arbitrator has been appointed as aforesaid, the confirming authority shall deliver to him the maps and schedules deposited at their office, and the local authority shall publish once in each of three successive weeks the following particulars:—

(1.) The appointment of the arbitrator; and

(2.) The deposit at the office of the local authority of the copies of such maps and schedules as aforesaid, with a description of the situation of such office, and a statement of the time at which such copies may be inspected by any person desirous of inspecting the same.

42 & 43 Vict. c. 63. Sch. Art. 1.

Such publication shall be made not only by advertisement, but also by placards and handbills affixed in conspicuous places on or near the lands to be taken, and also by leaving a notice thereof at each house proposed to be taken, and also by sending a notice thereof by post to the persons

interested in such lands as owners or reputed owners, lessees or reputed lessees, so far as they can be reasonably ascertained.

(7.) In every case in which compensation is payable under Part I. of this Act, by the local authority to any claimant, and which compensation has not been made the subject of agreement (in this Act referred to as "a disputed case"), the arbitrator shall ascertain in such manner as he thinks most convenient the amount of compensation demanded by the claimant, and the amount which the local authority may be willing to pay; and after hearing all such parties interested in each disputed case as may appear before him at a time and place of which notice has been given as in Part I. of this Act mentioned, he shall proceed to decide on the amount of compensation to which he may consider the claimant to be entitled in each case.

(8.) The arbitrator shall give notice to the claimants in disputed cases by causing such notice to be published or otherwise in such manner as he thinks advisable, of a time and place at which the difference between the claimants and the local authority in disputed cases as to the amount of compensation to be paid will be decided by the arbitrator.

(9.) After the arbitrator has arrived at a decision on all the disputed cases brought before him he shall make an award under his hand and seal; and such award shall be final, and be binding and conclusive (subject to the provisions concerning an appeal herein-after contained) upon all persons whomsoever, and no such award shall be set aside for irregularity in matter of form, but the arbitrator may and, if the local authority request him so to do, shall from time to time make an award respecting a portion only of the disputed cases brought before him.

(10.) Such award as aforesaid shall be deposited at the office of the confirming authority, and a copy thereof shall be deposited at the office of the local authority, and the local authority shall thereupon publish once in each of three successive weeks notice of the deposit having been made at the office of the local authority of a copy of the award, and a further notice requiring all persons claiming to have any right to or interest in the lands (the compensation to be paid in respect of which is ascertained by such award) to deliver to the local authority on or before a day to be named in such notice (such day not being earlier than twenty-one days from the date of the last publication of the notice), a short statement in writing of the nature of such claim, and a short abstract of the title on which the same is founded; and such statement and abstract shall be paid for by the local authority. Such abstract of title, in the case of a person claiming a fee simple interest in the land, shall commence twenty years previous to the date of the claim, except there has been an absolute conveyance on sale within twenty years, and more than ten years previous to the claim when the abstract shall commence with such conveyance.

### *Special Powers of Arbitration.*

Power of arbitrator as to apportionment. 42 & 43 Vict. c. 63. Sch. (2).

(11.) The arbitrator shall have the same power of apportioning any rent-service rentcharge, chief or other rent, payment, or incumbrance, or any rent payable in respect of lands comprised in a lease, as two justices have under the Lands Clauses Consolidation Act, 1845.

Amendment respecting severance of properties. 8 & 9 Vict. c. 18. 42 & 43 Vict. c. 63. Sch. (3).

(12.) Notwithstanding anything in section ninety-two of the Lands Clauses Consolidation Act, 1845, the arbitrator may determine that such part of any house, building, or manufactory as is proposed to be taken by the local authority can be taken without material damage to such house, building, or manufactory, and if he so determine may award compensation in respect of the severance of the part so proposed to be taken, in addition to the value of that part, and thereupon the party interested shall be required

to sell and convey to the local authority such part, without the local authority being obliged to purchase the greater part or the whole of such house, building, or manufactory.

The local authority, or any person interested, if dissatisfied with a determination under this enactment, may, in manner provided with respect to appeals to a jury in respect of compensation for land by this schedule, submit the question of whether the said part can be taken without material damage, as well as the question of the proper amount of compensation, to a jury; and the notice of intention to appeal shall be given within the same time as notice of intention to appeal against the amount of compensation awarded is required to be given.

Omitted interests. 42 & 43 Vict. c. 63. Sch. (4).

(13.) The amount of purchase money or compensation to be paid in pursuance of section one hundred and twenty-four of the Lands Clauses Consolidation Act, 1845, in respect of any estate, right, or interest in or charge affecting any of the scheduled lands which the local authority have through mistake or inadvertence failed or omitted duly to purchase or make compensation for, shall be awarded by the arbitrator and be paid, in like manner, as near as may be, as the same would have been awarded and paid if the claim of such estate, right, interest, or charge had been delivered to the arbitrator before the day fixed for the delivery of statements of claims.

If the arbitrator is satisfied that the failure or omission to purchase the said estate, right, interest, or charge, arose from any default on the part either of the claimant or of the local authority, he may direct the costs to be paid by the party so in default.

*Payment of Purchase Money.*

Arts. 14–24. See 38 & 39 Vict. c. 36. Sch.

(14.) Within thirty days from the delivery of such statement and abstract as aforesaid to the local authority, the local authority shall, where it appears to them that any person so claiming is absolutely entitled to the lands, estate, or interest claimed by him, deliver to such person, on demand, a certificate stating the amount of the compensation to which he is entitled under the said award.

(15.) Every such certificate shall be prepared by and at the cost of the local authority; and where any agreement has been entered into as to the compensation payable in respect of the interest of any person in any lands, the local authority may, where it appears to them that such person is absolutely entitled, deliver to such person a like certificate.

(16.) The local authority shall, thirty days after demand, pay to the party to whom any such certificate is given, or otherwise as herein provided in the cases herein-after mentioned, the amount of moneys specified to be payable by such certificate to the party to whom or in whose favour such certificate is given, his or her executors, administrators, or assigns.

(17.) If the local authority wilfully make default in such payment as aforesaid, then the party named in such certificate shall be entitled to enter up judgment against the local authority in the High Court, for the amount of the sums specified in such certificate, in the same manner in all respects as if he had been, by warrant of attorney from the local authority, authorised to enter up judgment for the amount mentioned in the certificate, with costs, as is usual in like cases; and all moneys payable under such certificates, or to be recovered by such judgments as aforesaid, shall at law and in equity be taken as personal estate as from the time of the local authority entering on any such lands as aforesaid.

(18.) When and so soon as the local authority have paid to the party to whom any such certificate as aforesaid is given, or otherwise, as herein provided, in the cases herein-after mentioned, the amount specified to be payable by such certificate to the party to whom or in whose favour the

certificate is given, his executors, administrators, or assigns, it shall be lawful for the local authority, upon obtaining such receipt as herein-after mentioned, from time to time to enter upon any lands in respect of which such certificate is given, and thenceforth to hold the same for the estate or interest in respect of which the amount specified in such certificate was payable

(19.) In every case in which any moneys are paid by any local authority under this Act for such compensation as aforesaid, the party receiving such moneys shall give to the local authority a receipt for the same, and such receipt shall have the effect of a grant, release, and conveyance of all the estate and interest of such party, and of all parties claiming under or through him, in the lands in respect of which such moneys are paid, provided such receipt has an ad valorem stamp of the same amount impressed thereon in respect of the purchase moneys mentioned in such certificate as would have been necessary if such receipt had been an actual conveyance of such estate or interest, every such receipt to be prepared by and at the cost of the local authority.

(20.) If it appear to the local authority, from any such statement and abstract as aforesaid, or otherwise, that the person making any such claim as aforesaid is not absolutely entitled to the lands, estate, or interest in respect of which his claim is made, or is under any disability, or if the title to such lands, estate, or interest be not satisfactorily deduced to the local authority, then and in every such case the amount to be paid by the local authority in respect of such lands, estate, or interest as aforesaid shall be paid and applied as provided by the clauses of the Lands Clauses Consolidation Act, 1845, as amended by the Court of Chancery Funds Act, 1872, "with respect to the purchase money or compensation coming to parties "having limited interests, or prevented from treating, or not making title."

(21.) Where any person claiming any right or interest in any lands refuses to produce his title to the same, or where the local authority have under the provisions of Part I. of this Act taken possession of any lands in respect of the compensation whereof, or of any estate or interest wherein, no claim has been made within one year from the time of the local authority taking possession, or if any party to whom any such certificate has been given or tendered refuses to receive such certificate, or to accept the amount therein specified as payable to him, then and in any such case the amount payable by the local authority in respect of such lands, estate, or interest, or the amount specified in such certificate, shall be paid into the Bank of England, in manner provided by the last-mentioned clauses of the Lands Clauses Consolidation Act, 1845, as amended by the Court of Chancery Funds Act, 1872, and the amount so paid into the said Bank shall be accordingly dealt with as by the said Act provided.

(22.) Nothing herein contained shall prevent the local authority from requiring any further abstract or evidence of title respecting any lands included in any such award as aforesaid, in addition to the abstract or statement herein-before mentioned, if they think fit, so as the same be obtained at the cost of the local authority.

(23.) If from any reason whatever the local authority does not deliver the certificate aforesaid to any party claiming to be entitled to any interest in any lands the possession whereof has been taken by the local authority as aforesaid, then the right to have a certificate according to the provisions of this Act may, at the cost and charge of the local authority, be enforced by any party or parties, by application to the High Court, in a summary way by petition, and all other rights and interests of any party or parties arising under the provisions of this Act may be in like manner enforced against the local authority by such application as aforesaid.

*Entry on Lands on making Deposit.*

(24.) Where the local authority are desirous, for the purposes of their works, of entering upon any lands before they would be entitled to enter thereon under the provisions herein-before contained, it shall be lawful for the local authority, at any time after the arbitrator has framed his award, upon depositing in the Bank of England such sum as the arbitrator may certify to be in his opinion the proper amount to be so deposited in respect of any lands authorised to be purchased or taken by the local authority, and mentioned in such award, to enter upon and use such lands for the purposes of the improvement scheme of the local authority: and the arbitrator shall, upon the request of the local authority at any time after he has framed such award, certify under his hand the sum which, in his opinion, should be so deposited by the local authority in respect of any lands mentioned in such award before they enter upon and use the same as aforesaid, and the sum to be so certified shall be the sum or the amount of the several sums set forth in such award as the sum or sums to be paid by the local authority in respect of such lands, or such greater amount as to the arbitrator, under the circumstances of the case, may seem proper; and, notwithstanding such entry as aforesaid, all proceedings for and in relation to the completion of the award, the delivery of certificates, and other proceedings under Part I. of this Act, shall be had, and payments made, as if such entry and deposit had not been made;

Provided that the local authority shall, where they enter upon any lands by virtue of this present provision, pay interest at the rate of five pounds per centum per annum upon the compensation money payable by them in respect of any lands so entered upon, from the time of their entry until the time of the payment of such money and interest to the party entitled thereto, or where, under the provisions of Part I. of this Act, such compensation is required to be paid into the Bank of England, then until the same, with such interest, is paid into such Bank accordingly; and where under this provision interest is payable on any compensation money the certificate to be delivered by the local authority in respect thereof shall specify that interest is so payable, and the same shall be recoverable in like manner as the principal money mentioned in such certificate.

(25.) The money so deposited as last aforesaid shall be paid into the Bank of England to such account as may from time to time be directed by any regulation or Act for the time being in force in relation to moneys deposited in the bank in similar cases, or to such account as may be directed by any order of the High Court, and remain in the bank by way of security to the parties interested in the lands which have been so entered upon for the payment of the money to become payable by the local authority in respect thereof under the award of the arbitrator; and the money so deposited may, on the application by petition of the local authority, be ordered to be invested in Bank Annuities or Government securities, and accumulated: and upon such payment as aforesaid by the local authority it shall be lawful for the High Court, upon a like application, to order the money so deposited, or the funds in which the same shall have been invested, together with the accumulation thereof, to be repaid or transferred to the local authority, or, in default of such payment as aforesaid by the local authority, it shall be lawful for the said court to order the same to be applied in such manner as it thinks fit for the benefit of the parties for whose security the same shall so have been deposited.

*Appeal.*

(26.) In the following cases, namely,—

See 45 & 46 Vict. c. 54. Sch. (G).

(*a*.) Where the party named in any certificate issued under the provisions herein-before contained of the amount of the compensation

ascertained by any award under Part I. of this Act (or any party claiming under the party so named) is dissatisfied with the amount in such certificate certified to be payable, and such amount exceeds one thousand pounds, and

(*b.*) Where any party claiming any interest in any moneys so paid into court as aforesaid is dissatisfied with the amount of the price or compensation in respect of which such moneys are paid into court, and such amount exceeds one thousand pounds; also

(*c.*) Where the local authority is dissatisfied with the amount of compensation which the arbitrator appointed under the provisions of Part I. of this Act has awarded to be paid by the local authority to any person in respect of any estate or interest in lands, and such amount exceed the sum of one thousand pounds:

the party dissatisfied may, upon obtaining the leave of the High Court, which leave may be granted by such court or any judge thereof at chambers in a summary manner, and upon being satisfied that a failure of justice will take place if the leave is not granted, submit the question of the proper amount of compensation to a jury, provided that such party give notice in writing to the other party of their intention to appeal within ten days after the cause of appeal has arisen.

The cause of appeal shall be deemed to have arisen,—

(1.) Where a certificate has been issued as aforesaid, at the date of the issue of the certificate;

(2.) Where moneys have been paid into court, at the date of the payment into court;

(3.) Where the local authority appeals, at the date of the making of the award.

(27.) Where a notice has been given under Part I. of this Act of an appeal to a jury in respect of compensation for land, or any interest in land, a question of disputed compensation required to be determined by the verdict of a jury shall be deemed to have arisen within the meaning of the Lands Clauses Consolidation Act, 1845, and all the provisions of that Act contained in sections thirty-eight to fifty-seven, both inclusive, shall be deemed to apply, except sections forty-seven and fifty-one: Provided also, that— 8 & 9 Vict. c. 18.

(1.) Where the local authority appeals that authority shall be deemed to be the plaintiff and the party entitled to compensation to be the defendant; and

(2.) Where the party claiming compensation appeals, then, in case the verdict of the jury is for a sum exceeding the award of the arbitrator, the local authority shall pay to such party the costs of the trial, such costs to be taxed and ascertained in the same manner as costs are by law ascertained on the trial of issues tried in the High Court; but in case the verdict of the jury is for a sum not exceeding the award of the arbitrator, the party appealing shall pay to the local authority the costs of the trial to be taxed and ascertained in manner aforesaid.

(3.) Where the local authority is the appellant,—

(*a.*) Notwithstanding the verdict of the jury may be for a sum less than that awarded by the arbitrator, the local authority shall pay to the other party such sum not exceeding twenty pounds for the costs of the trial as the sheriff or other officer before whom the same is tried shall direct; and

(*b.*) In case the verdict of the jury is for a sum equal to or exceeding the award of the arbitrator, the local authority shall pay to the other party the costs of the trial, such costs to be taxed and ascertained in manner aforesaid.

(*c.*) The amount of compensation awarded by the arbitrator shall not be communicated to the jury, but they shall be required to make an independent assessment of the amount of compensation to which the party claiming compensation is entitled.

*Costs of Arbitration.*

See 45 & 46 Vict. c. 54. Sch (H).

(28.) The salary or remuneration, travelling, and other expenses of the arbitrator, and all costs, charges, and expenses (if any) which may be incurred by the confirming authority in carrying the provisions of Part I. of this Act into execution, shall, after the amount thereof shall have been certified under this article, be paid by the local authority; and the amount of such costs, charges, and expenses shall from time to time be certified by the confirming authority after first hearing any objections that may be made to the reasonableness of any such costs, charges and expenses by or on behalf of the local authority; and every certificate of the said confirming authority certifying the amount of such costs, charges, and expenses shall be taken as proof in all proceedings at law or in equity of the amount of such respective costs, charges, and expenses, and the amount so certified shall be a debt due from the local authority to the Crown, and shall be recoverable accordingly.

Further, any such certificate may be made a rule of a superior court on the application of any party named therein, and may be enforced accordingly.

(29.)—(1.) It shall be lawful for the arbitrator, where he thinks fit, upon the request of any party by whom any claim has been made before him, to certify the amount of the costs properly incurred by such party in relation to the arbitration, and the amount of the costs so certified shall be paid by the local authority;

See 45 & 46 Vict. c. 54. Sch. (I.)

Provided that—

(*a.*) The arbitrator shall not be required to certify the amount of costs in any case where he considers such costs are not properly payable by the local authority;

(*b.*) The arbitrator shall not be required to certify the amount of costs incurred by any party in relation to the arbitration, in any case where he considers that such party neglected, after due notice from the local authority, to deliver to that authority a statement in writing within such time, and containing such particulars respecting the compensation claimed, as would have enabled the local authority to make a proper offer of compensation to such party before the appointment of the arbitrator.

(*c.*) No certificate shall be given where the arbitrator has awarded the same or a less sum than has been offered by the local authority in respect of the claim before the appointment of the arbitrator.

(2.) If within seven days after demand the amount certified be not paid to the party entitled to receive the same, such amount shall be recoverable as a debt from the local authority with interest at the rate of five per cent. per annum for any time during which the same remains unpaid after such seven days as aforesaid.

*Miscellaneous.*

(30.) The arbitrator may call for the production of any documents in the possession or power of the local authority, or of any party making any claim under the provisions of Part I. of this Act, which such arbitrator may think necessary for determining any question or matter to be determined by him under Part I. of this Act, and may examine any such party and his witnesses,

and the witnesses for the local authority, on oath, and administer the oaths necessary for that purpose.

(31.) If any arbitrator appointed in pursuance of Part I. of this Act die, or refuse, decline, or become incapable to act, the confirming authority may appoint an arbitrator in his place, who shall have the same powers and authorities as the arbitrator first appointed; and upon the appointment of any arbitrator in the place of an arbitrator dying, or refusing, declining, or becoming incapable to act, all the documents relating to the matter of the arbitration which were in the possession of such arbitrator shall be delivered to the arbitrator appointed in his place, and the local authority shall publish notice of such appointment in the London Gazette.

(32.) All notices required by this schedule to be published shall be published in some one and the same newspaper circulating within the jurisdiction of the local authority, and where no other form of service is prescribed all notices required to be served or given by the local authority under this schedule or otherwise upon any persons interested in or entitled to sell lands, shall be served in manner in which notices of lands proposed to be taken compulsorily for the purpose of an improvement scheme are directed by Part I. of this Act to be served upon owners or reputed owners, lessees or reputed lessees, and occupiers

*Application of Schedule to Scotland.*

Application of schedule to Scotland.

The provisions of this schedule shall apply to Scotland, with the following modifications:—

(33.)—(*a*.) In any reference in this schedule to "an abstract of title" there shall be substituted "a legal progress of the title deeds.":

(*b*.) In articles sixteen and eighteen of this schedule the words heirs, executors, or assignees shall be substituted for the words "executors, administrators, or assigns":

(*c*.) In articles twenty and twenty-one the words "as amended by the "Court of Chancery Funds Act, 1872," shall be omitted:

(*d*.) Any reference to payment of money into the Bank of England shall be construed to be payment into any one of the incorporated or chartered banks of Scotland:

(*e*.) Any reference to the High Court shall be construed as a reference to the Court of Session:

(*f*.) Any money ordered to be invested under article twenty-five of this schedule shall be invested only in Government securities:

(*g*) Any reference to payment of money into court shall be construed as payment into bank:

(*h*.) A reference to plaintiff and defendant shall be construed as a reference to pursuer and defender:

(*i*.) The Edinburgh Gazette shall be substituted for the London Gazette.

(34.) In lieu of articles 11, 17, and 19 of this schedule the following provisions shall be substituted:—

(i) The arbitrator shall have the same power of apportioning any feu duty, ground annual, casualty or superiority, or any rent or other annual or recurring payment or incumbrance, or any rent payable in respect of lands comprised in a lease, as the sheriff has under the Lands Clauses Consolidation (Scotland) Act, 1845.

(ii.) If the local authority wilfully make default in such payment as aforesaid, then the party named in such certificate shall be entitled to record the same in the books of council and session, or other judge's books competent, and to have a decree interponed thereto, and to be extracted

with a view to execution, in the like manner as if a formal clause of registration had been contained therein; and all diligence and execution shall be competent thereon in the like manner and to all effects as upon any bond containing such formal clause of registration; and all moneys payable under such certificates, or to be recovered by such execution and diligence as aforesaid, shall be taken as personal estate as from the time of the local authority entering on any such lands as aforesaid.

(iii.) In every case in which any moneys are paid by any local authority under this Act for such compensation as aforesaid, the party receiving such moneys shall give to the local authority a conveyance of the lands in respect of which such moneys are paid, or of all the estate and interest of such party, and of all parties claiming under or through him, in such lands, and every such conveyance shall be prepared by and at the costs of the local authority.

*Application of Schedule to Ireland.*

(35.) The provisions of this schedule shall apply to Ireland, with the following modifications:—

13 & 14 Vict. c. 51.

(*a.*) In articles twenty and twenty-one the words and figures "the Act "of the session of the thirteenth and fourteenth years of the reign of "Her present Majesty, chapter fifty-one, intituled 'An Act for the "'transfer of the equitable jurisdiction of the Court of Exchequer to "'the Court of Chancery in Ireland, and any subsequent enactment'" shall be substituted for the words and figures "the Court of Chancery "Funds Act, 1872."

(*b.*) The Bank of Ireland shall be substituted for the Bank of England;

(*c.*) The Dublin Gazette shall be substituted for the London Gazette.

## THIRD SCHEDULE.

Sections 29, 32. ENACTMENTS APPLIED for the purpose of PROCEEDINGS for CLOSING PREMISES in ENGLAND, SCOTLAND, and IRELAND respectively.

### ENGLAND.

*Administrative County of London.*

29 & 30 Vict. c. 90.

SANITARY ACT, 1866 (Section 21).

18 & 19 Vict. c. 121.

NUISANCES REMOVAL ACT, 1855 (Sections 9, 12, and 13).

SANITARY ACT, 1866 (Section 21).

As to proceedings of nuisance authority under s. 12 of 18 & 19 Vict. c. 121.

s. 21. The nuisance authority * * shall, previous to taking proceedings before a justice under the twelfth section of the Nuisances Removal Act, 1855, serve a notice * * * on the owner or occupier of the premises on which the nuisance arises, to abate the same, and for that purpose to execute such works, and to do all such things as may be necessary within a time to be specified in the notice: Provided,

First, that where the nuisance arises from the want or defective construction of any structural convenience, or where there is no occupier of the premises, notice under this section shall be served on the owner;

* * * *

NUISANCES REMOVAL ACT, 1855 (Sections 8, 12, and 13).

s. 8. The word nuisances under this Act shall include—

Any premises in such a state as to be a nuisance or injurious to health

* * * * * * * *

s. 12. In any case where a nuisance is so ascertained by the local authority to exist, or where the nuisance in their opinion did exist at the time when the notice was given, and, although the same may have been since removed or discontinued, is, in their opinion, likely to recur or to be repeated on the same premises or any part thereof, they shall cause complaint thereof to be made before a justice of the peace, and such justice shall thereupon issue a summons requiring * * * the owner or occupier of the premises on which the nuisance arises, to appear before any two justices, in petty sessions assembled, at their usual place of meeting, who shall proceed to inquire into the said complaint; * * *

Proceedings by local authority before justices in case of nuisances likely to recur, &c.

s. 13. * * * * * * * and if the nuisance proved to exist be such as to render a house or building, in the judgment of the justices, unfit for human habitation, they may prohibit the using thereof for that purpose until it is rendered fit for that purpose in the judgment of the justices, and on their being satisfied that it has been rendered fit for such purpose, they may determine their previous order by another declaring such house habitable, from the date of which other order such house may be let or inhabited.

*Elsewhere than London.*

PUBLIC HEALTH ACT, 1875 (Sections 91, 94, 95, and 97).

s. 91. For the purposes of this Act— 38 & 39 Vict. c. 55.

(1.) Any premises in such a state as to be a nuisance or injurious to health

* * * * * * * * *

shall be deemed to be nuisances liable to be dealt with summarily in manner provided by this Act.

s. 94. * * * * *

* * the local authority shall * * * * * serve a notice * * * * * * * * * * * * * * * * on the owner or occupier of the premises on which the nuisance arises, requiring him to abate the same within a time to be specified in the notice, and to execute such works and do such things as may be necessary for that purpose: Provided—

Local authority to serve notice requiring abatement of nuisance.

First. That where the nuisance arises from the want or defective construction of any structural convenience, or where there is no occupier of the premises, notice under this section shall be served on the owner:

* * * * * *

s. 95. If the person on whom a notice to abate a nuisance has been served makes default in complying with any of the requisitions thereof within the time specified, or if the nuisance, although abated since the service of the notice, is, in the opinion of the local authority, likely to recur on the same premises, the local authority shall cause a complaint relating to such nuisance to be made before a justice, and such justice shall thereupon issue a summons requiring the person on whom the notice was served to appear before a court of summary jurisdiction.

On non-compliance with notice complaint to be made to justice.

s. 97. Where the nuisance proved to exist is such as to render a house or building, in the judgment of the court, unfit for human habitation, the court may prohibit the using thereof for that purpose until, in its judgment,

Order of prohibition in case of house unfit

for human habitation.

the house or building is rendered fit for that purpose; and on the court being satisfied that it has been rendered fit for that purpose, the court may determine its previous order by another, declaring the house or building habitable, and from the date thereof such house or building may be let or inhabited.

## SCOTLAND.

30 & 31 Vict. c. 101.

PUBLIC HEALTH (SCOTLAND) ACT, 1867 (Sections 16, 18, and 19).

s. 16. The word "nuisance" under this Act shall include—

(*a.*) Any insufficiency of size, defect of structure, defect of ventilation, want of repair or proper drainage, or suitable watercloset, or privy accommodation or cesspool, and any other matter or circumstance rendering any inhabited house, building, premises, or part thereof, injurious to the health of the inmates or unfit for human habitation or use—

* * * * *

Proceedings by local authority when nuisances are ascertained to exist.

s. 18. In any case where the existence of a nuisance is ascertained to their satisfaction by the local authority, * * * * * * * * and, although the same may have been since removed or discontinued, is in their opinion likely to recur or to be repeated, they may apply to the sheriff or to any magistrate or justice, by summary petition in manner herein-after directed, and if it appear to his satisfaction that the nuisance exists, or, if removed or discontinued since the demand of admission was made or the certificate was given, that it is likely to recur or to be repeated, he shall decern for the removal or remedy or discontinuance or interdict of the nuisance. * * * *

† *i.e.*, the sheriff, magistrate, or justice.

s. 19. * * * * * and if the nuisance proved to exist be such as to render a house or building unfit for human habitation, he† may prohibit the using thereof for that purpose until it is rendered fit for that purpose, or do otherwise as the case may in his judgment require.

## IRELAND.

41 & 42 Vict. c. 52.

PUBLIC HEALTH (IRELAND) ACT, 1878 (Sections 107, 110, 111, and 113).

s. 107. For the purposes of this Act—

(1.) Any premises in such a state as to be a nuisance or injurious to health * * * * shall be deemed to be nuisances liable to be dealt with summarily in manner provided by this Act.

Sanitary authority to serve notice requiring abatement of nuisance.

s. 110. * * * the sanitary authority shall * * * serve a notice * * * * on the owner or occupier of the premises on which the nuisance arises, requiring him to abate the same within a time to be specified in the notice, and to execute such works and do such things as may be necessary for that purpose: Provided—

First. That where the nuisance arises from the want or defective construction of any structural convenience, or where there is no occupier of the premises, notice under this section shall be served on the owner:

* * * * * *

On non-compliance with notice, complaint to be made to justice.

s. 111. If the person on whom a notice to abate a nuisance has been served makes default in complying with any of the requisitions thereof within the time specified, or if the nuisance, although abated since the service of the notice, is, in the opinion of the sanitary authority, likely to

recur on the same premises, the sanitary authority shall cause a complaint relating to such nuisance to be made before a justice, and such justice shall thereupon issue a summons requiring the person on whom the notice was served to appear before a court of summary jurisdiction.

Order of prohibition in case of house unfit for human habitation.

s. 113. Where the nuisance proved to exist is such as to render a house or building, in the judgment of the court, unfit for human habitation, the court may prohibit the using thereof for that purpose until, in its judgment, the house or building is rendered fit for that purpose; and on the court being satisfied that it has been rendered fit for that purpose the court may determine its previous order by another, declaring the house or building habitable and from the date thereof such house or building may be let or inhabited.

## FOURTH SCHEDULE.

### FORMS.

Section 32.

#### Form A.

*Form of Notice requiring Premises to be made fit for Habitation.*

To [*person causing the premises to be unfit for habitation, or owner or occupier of the premises, as the case may be*].

Take notice that under the provisions of the Public Health Act, 1875, and the Housing of the Working Classes Act, 1890, the [*describe the local authority*], being satisfied that the following premises, that is to say [*describe premises or place where the nuisance exists*], are in a state so dangerous or injurious to health as to be unfit for human habitation, do hereby require you within from the service of this notice to make the said premises fit for human habitation.

If you make default in complying with the requisitions of this notice, proceedings will be taken before a court of summary jurisdiction for prohibiting the use of the premises for human habitation.

Dated this day of 18

*Signature of officer of local authority*

#### Form B.

*Form of Summons for Closing Order.*

To the owner or occupier of [*describe premises,*] situate at [*insert such a description as may be sufficient to identify the premises*].

County of [*or* borough of , *or* district of , *or as the case may be*] to wit.

You are required to appear before [*describe the court of summary jurisdiction*] at the petty sessions [*or* court] holden at on the day of next, at the hour of in the noon, to answer the complaint this day made to me by that the premises above mentioned are used as a dwelling-house and are in a state so dangerous or injurious to health as to be unfit for human habitation.

Given under my hand and seal this day of 18

FORM C.

*Form of Closing Order.*

To the owner [*or* occupier] of [*describe the premises*] situated [*give such description as may be sufficient to identify the premises*].

County of [*or* borough, *&c.* of *or* district of *or as the case may be*]. WHEREAS on the day of complaint was made before Esquire, one of Her Majesty's justices of the peace acting in and for the county [*or other jurisdiction*] stated in the margin, [*or as the case may be,*] by that certain premises situated at in the district under the Public Health Act, 1875, of [*describe the local authority*], were in a state so dangerous or injurious to health as to be unfit for human habitation:

And whereas the owner [*or* occupier] within the meaning of the said Public Health Act, 1875, hath this day appeared before us [(*or* me) *describing the court*], to answer the matter of the said complaint [*or in case the party charged do not appear, say,*] and whereas it hath been this day proved to our (*or* my) satisfaction that a true copy of a summons requiring the owner [*or* occupier] of the said premises [*or* the said *A.B.*] to appear this day before us [*or* me] hath been duly served according to the said Act and the Housing of the Working Classes Act, 1890:

Now on proof here had before us [*or* me] that the said premises are in a state so dangerous or injurious to health as to be unfit for human habitation, we [*or* I], in pursuance of the said Acts, do prohibit the using of the premises for the purpose of human habitation until in our [*or* my] judgment they are rendered fit for that purpose.

Given under the hands and seals of us [*or* the hand and seal of me, *describing the court*].

This day of 18

*J.S.* (L.S.)
*J.P.* (L.S.)

## FIFTH SCHEDULE.

Section 36.

FORM MARKED A.

*The Housing of the Working Classes Act*, 1890.

County of
Parish of
No.

*Charging Order.*

Insert description of local authority.

The being the local authority under the above-mentioned Act, do, by this Order under their hands and seal, charge the inheritance or fee of the premises mentioned in the schedule hereto with the payment to of the sum of pounds payable yearly on the day of for the term of years, and being in consideration of an expenditure of pounds incurred by him in respect of the said premises.

FORM MARKED B.

*Form of Assignment of Charge. To be endorsed on Charging Order.* Section 37.

Dated the day of

I, the within-named in pursuance of the Housing of the Working Classes Act, 1890, and in consideration of pounds this day paid to me, hereby assign to the within-mentioned charge. Insert description of premises charged.

(Signed)

## SIXTH SCHEDULE.

BYELAWS TO BE MADE IN ALL CASES (EXCEPT WHERE A LODGING HOUSE IS USED AS A SEPARATE DWELLING). Section 62.

For securing that the lodging-houses shall be under the management and control of the officers, servants, or others appointed or employed in that behalf by the local authority.

For securing the due separation at night of men and boys above eight years old from women and girls.

For preventing damage, disturbance, interruption, and indecent and offensive language and behaviour and nuisances.

For determining the duties of the officers, servants, and others appointed by the local authority.

## SEVENTH SCHEDULE.

ENACTMENTS REPEALED. Section 102.

| Session and Chapter. | Short Title. | Extent of Repeal. |
|---|---|---|
| 14 & 15 Vict. c. 34. - | The Labouring Classes Lodging Houses Act, 1851. | The whole Act. |
| 18 & 19 Vict. c. 88. - | The Dwelling Houses (Scotland) Act, 1855. | The whole Act. |
| 29 & 30 Vict. c. 28. - | The Labouring Classes Dwelling Houses Act, 1866. | The whole Act. |
| 29 & 30 Vict. c. 44. - | The Labouring Classes Lodging Houses and Dwellings Act (Ireland), 1866. | The whole Act. |
| 30 & 31 Vict. c. 28. - | The Labouring Classes Dwelling Houses Act, 1867. | The whole Act. |
| 31 & 32 Vict. c. 130. - | The Artizans and Labourers Dwellings Act, 1868. | The whole Act. |
| 38 & 39 Vict. c. 36. - | The Artizans and Labourers Dwellings Improvement Act, 1875. | The whole Act. |

| Session and Chapter. | Short Title. | Extent of Repeal |
|---|---|---|
| 38 & 39 Vict. c. 49. - | The Artizans and Labourers Dwellings Improvement (Scotland) Act, 1875. | The whole Act. |
| 42 & 43 Vict. c. 63. - | The Artizans and Labourers Dwellings Improvement Act, 1879. | The whole Act. |
| 42 & 43 Vict. c. 64. - | The Artizans and Labourers Dwellings Act (1868) Amendment Act, 1879. | The whole Act. |
| 42 & 43 Vict. c. 77. - | The Public Works Loans Act, 1879. | Section six. |
| 43 Vict. c. 2. - - | The Artizans and Labourers Dwellings Improvement (Scotland) Act, 1880. | The whole Act. |
| 43 Vict. c. 8. - - | An Act to explain and amend the twenty-second section of the Artizans and Labourers Dwellings Act (1868) Amendment Act, 1879. | The whole Act. |
| 45 & 46 Vict. c. 54. - | The Artizans Dwellings Act, 1882. | The whole Act. |
| 48 & 49 Vict. c. 72. - | The Housing of the Working Classes Act, 1885. | The whole Act except sections three and seven to nine, and except section ten so far as it relates to byelaws authorised by those sections. |

# CHAPTER 71.

## An Act to amend the Law of Bankruptcy.

[18th August 1890.]

46 & 47 Vict c. 52.

WHEREAS it is expedient to amend the Bankruptcy Act, 1883 (herein-after referred to as the principal Act), and other enactments relating to bankruptcy.

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Acts of bankruptcy.

1. A debtor commits an act of bankruptcy if execution against him has been levied by seizure of his goods under process in an action in any court, or in any civil proceeding in the High Court,

and the goods have been either sold or held by the sheriff for twenty-one days.

Provided that, where an interpleader summons has been taken out in regard to the goods seized, the time elapsing between the date at which such summons is taken out and the date at which the sheriff is ordered to withdraw, or any interpleader issue ordered thereon is finally disposed of, shall not be taken into account in calculating such period of twenty-one days.

Any person who is for the time being entitled to enforce a final judgment shall be deemed a creditor who has obtained a final judgment within the meaning of section four of the principal Act.

**Public examination of debtor.**

**2.**—(1.) The notes taken of a debtor's public examination in pursuance of section seventeen of the principal Act shall be read over either to or by the debtor.

(2.) Where the debtor is a lunatic or suffers from any such mental or physical affliction or disability as in the opinion of the court makes him unfit to attend his public examination, the court may make an order dispensing with such examination, or directing that the debtor be examined on such terms, in such manner, and at such place as to the court seems expedient.

**Compositions and schemes of arrangement.**

**3.**—(1.) Where a debtor intends to make a proposal for a composition in satisfaction of his debts, or a proposal for a scheme of arrangement of his affairs, he shall, within four days of submitting his statement of affairs, or within such time thereafter as the official receiver may fix, lodge with the official receiver a proposal in writing, signed by him, embodying the terms of the composition or scheme which he is desirous of submitting for the consideration of his creditors, and setting out particulars of any sureties or securities proposed.

(2.) In such case the official receiver shall hold a meeting of creditors, before the public examination of the debtor is concluded, and send to each creditor, before the meeting, a copy of the debtor's proposal with a report thereon; and if at that meeting a majority in number and three fourths in value of all the creditors who have proved resolve to accept the proposal, the same shall be deemed to be duly accepted by the creditors, and when approved by the court shall be binding on all the creditors.

(3.) The debtor may at the meeting amend the terms of his proposal, if the amendment is, in the opinion of the official receiver, calculated to benefit the general body of creditors.

(4.) Any creditor who has proved his debt may assent to or dissent from the proposal by a letter, in the prescribed form, addressed to the official receiver so as to be received by him not later than the day preceding the meeting, and any such assent or dissent shall have effect as if the creditor had been present and had voted at the meeting.

(5.) The debtor or the official receiver may, after the proposal is accepted by the creditors, apply to the court to approve it, and notice of the time appointed for hearing the application shall be given to each creditor who has proved.

(6.) The application shall not be heard until after the conclusion of the public examination of the debtor. Any creditor who has proved may be heard by the court in opposition to the application, notwithstanding that he may at a meeting of creditors have voted for the acceptance of the proposal.

(7.) The court shall, before approving the proposal, hear a report of the official receiver as to the terms thereof, and as to the conduct of the debtor, and any objections which may be made by or on behalf of any creditor.

(8.) If the court is of opinion that the terms of the proposal are not reasonable, or are not calculated to benefit the general body of creditors, or in any case in which the court is required where the debtor is adjudged bankrupt to refuse his discharge, the court shall refuse to approve the proposal.

(9.) If any facts are proved on proof of which the court would be required either to refuse, suspend, or attach conditions to the debtor's discharge were he adjudged bankrupt, the court shall refuse to approve the proposal, unless it provides reasonable security for payment of not less than seven shillings and sixpence in the pound on all the unsecured debts provable against the debtor's estate.

(10.) In any other case the court may either approve or refuse to approve the proposal.

(11.) If the court approves the proposal, the approval may be testified by the seal of the court being attached to the instrument containing the terms of the proposed composition or scheme, or by the terms being embodied in an order of the court.

(12.) A composition or scheme accepted and approved in pursuance of this section shall be binding on all the creditors so far as relates to any debts due to them from the debtor and provable in bankruptcy, but shall not release the debtor from any liability under a judgment against him in an action for seduction, or under an affiliation order, or under a judgment against him as a co-respondent in a matrimonial cause, except to such an extent and under such conditions as the court expressly orders in respect of such liability.

(13.) A certificate of the official receiver that a composition or scheme has been duly accepted and approved shall, in the absence of fraud, be conclusive as to its validity.

(14.) The provisions of a composition or scheme under this section may be enforced by the court on application by any person interested, and any disobedience of an order of the court made on the application shall be deemed a contempt of court.

(15.) If default is made in payment of any instalment due in pursuance of the composition or scheme, or if it appears to the court, on satisfactory evidence, that the composition or scheme cannot, in consequence of legal difficulties, or for any sufficient cause, proceed without injustice or undue delay to the creditors or to the debtor, or that the approval of the court was obtained by fraud, the court may, if it thinks fit, on application by the official receiver or the trustee, or by any creditor, adjudge the debtor bankrupt, and annul the composition or scheme, but without prejudice to the validity of any sale, disposition, or payment duly made, or thing duly done, under or in pursuance of the com-

position or scheme. Where a debtor is adjudged bankrupt under this sub-section, any debt provable in other respects, which has been contracted before the adjudication, shall be provable in the bankruptcy.

(16.) If under or in pursuance of a composition or scheme a trustee is appointed to administer the debtor's property or manage his business, or to distribute the composition, section twenty-seven and Part V. of the principal Act shall apply as if the trustee were a trustee in a bankruptcy, and as if the terms "bankruptcy," "bankrupt," and "order of adjudication," included respectively a composition or scheme of arrangement, a compounding or arranging debtor, and order approving the composition or scheme.

(17.) Part III. of the principal Act shall, so far as the nature of the case and the terms of the composition or scheme admit, apply thereto, the same interpretation being given to the words "trustee," "bankruptcy," "bankrupt," and "order of adjudication," as in the last preceding sub-section.

(18.) No composition or scheme shall be approved by the court which does not provide for the payment in priority to other debts of all debts directed to be so paid in the distribution of the property of a bankrupt.

(19.) The acceptance by a creditor of a composition or scheme shall not release any person who under the principal Act and this Act would not be released by an order of discharge if the debtor had been adjudged bankrupt.

**Appointment of trustee.**

**4.** A person shall be deemed not fit to act as trustee of the property of a bankrupt where he has been previously removed from the office of trustee of a bankrupt's property for misconduct or neglect of duty.

**Committee of inspection.**

**5.** Sub-section one of section twenty-two of the principal Act (relating to the committee of inspection) shall be read and construed as if the words "from among the creditors" were substituted for the words "from among the creditors qualified to vote." Provided that a creditor who is appointed a member of a committee of inspection shall not be qualified to act until he has proved his debt and the proof has been admitted.

**Resolution for acceptance of composition or scheme.**

**6.** The resolution required for accepting a proposal for a composition or scheme in pursuance of section twenty-three of the principal Act shall be the like resolution as is required for accepting a like proposal made by a debtor before an adjudication of bankruptcy.

**Arrest of absconding debtor.**

**7.** Section twenty-five of the principal Act (relating to the arrest of a debtor under certain circumstances) shall be read and construed as if the words "believing that he has absconded, or is about to abscond," were substituted for the words "believing that he is about to abscond."

**Discharge of bankrupt.**

**8.**—(1.) A bankrupt may, at any time after being adjudged bankrupt, apply to the court for an order of discharge, and the court shall appoint a day for hearing the application, but the application shall not be heard until the public examination of the bankrupt is concluded. The application shall be heard in open court.

(2.) On the hearing of the application the court shall take into consideration a report of the official receiver as to the bankrupt's conduct and affairs (including a report as to the bankrupt's conduct during the proceedings under his bankruptcy), and may either grant or refuse an absolute order of discharge, or suspend the operation of the order for a specified time, or grant an order of discharge subject to any conditions with respect to any earnings or income which may afterwards become due to the bankrupt, or with respect to his after-acquired property: Provided that the court shall refuse the discharge in all cases where the bankrupt has committed any misdemeanor under the Debtors Act, 1869, or the principal Act, or any other misdemeanor connected with his bankruptcy, or any felony connected with his bankruptcy, unless for special reasons the court otherwise determines, and shall, on proof of any of the facts herein-after mentioned, either—

32 & 33 Vict. c. 62.

(i) refuse the discharge; or

(ii) suspend the discharge for a period of not less than two years; or

(iii) suspend the discharge until a dividend of not less than ten shillings in the pound has been paid to the creditors; or

(iv) require the bankrupt as a condition of his discharge to consent to judgment being entered against him by the official receiver or trustee for any balance or part of any balance of the debts provable under the bankruptcy which is not satisfied at the date of the discharge, such balance or part of any balance of the debts to be paid out of the future earnings or after acquired property of the bankrupt in such manner and subject to such conditions as the court may direct; but execution shall not be issued on the judgment without leave of the court, which leave may be given on proof that the bankrupt has since his discharge acquired property or income available towards payment of his debts.

Provided, that if at any time after the expiration of two years from the date of any order made under this section the bankrupt shall satisfy the court that there is no reasonable probability of his being in a position to comply with the terms of such order, the court may modify the terms of the order, or of any substituted order, in such manner and upon such conditions as it may think fit.

(3.) The facts herein-before referred to are:—

(*a*.) That the bankrupt's assets are not of a value equal to ten shillings in the pound on the amount of his unsecured liabilities, unless he satisfies the court that the fact that the assets are not of a value equal to ten shillings in the pound on the amount of his unsecured liabilities has arisen from circumstances for which he cannot justly be held responsible:

(*b*.) That the bankrupt has omitted to keep such books of account as are usual and proper in the business carried on by him and as sufficiently disclose his business transactions and financial position within the three years immediately preceding his bankruptcy:

(*c*.) That the bankrupt has continued to trade after knowing himself to be insolvent:

(*d.*) That the bankrupt has contracted any debt provable in the bankruptcy without having at the time of contracting it any reasonable or probable ground of expectation (proof whereof shall lie on him) of being able to pay it:

(*e.*) That the bankrupt has failed to account satisfactorily for any loss of assets or for any deficiency of assets to meet his liabilities:

(*f.*) That the bankrupt has brought on, or contributed to, his bankruptcy by rash and hazardous speculations, or by unjustifiable extravagance in living, or by gambling, or by culpable neglect of his business affairs:

(*g.*) That the bankrupt has put any of his creditors to unnecessary expense by a frivolous or vexatious defence to any action properly brought against him:

(*h.*) That the bankrupt has within three months preceding the date of the receiving order incurred unjustifiable expense by bringing a frivolous or vexatious action:

(*i.*) That the bankrupt has within three months preceding the date of the receiving order, when unable to pay his debts as they become due, given an undue preference to any of his creditors:

(*j.*) That the bankrupt has within three months preceding the date of the receiving order incurred liabilities with a view of making his assets equal to ten shillings in the pound on the amount of his unsecured liabilities:

(*k.*) That the bankrupt has on any previous occasion been adjudged bankrupt, or made a composition or arrangement with his creditors:

(*l.*) That the bankrupt has been guilty of any fraud or fraudulent breach of trust.

(4.) For the purposes of this section a bankrupt's assets shall be deemed of a value equal to ten shillings in the pound on the amount of his unsecured liabilities when the court is satisfied that the property of the bankrupt has realised, or is likely to realise, or with due care in realisation might have realised, an amount equal to ten shillings in the pound on his unsecured liabilities, and a report by the official receiver or the trustee shall be primâ facie evidence of the amount of such liabilities.

(5.) For the purposes of this section the report of the official receiver shall be primâ facie evidence of the statements therein contained.

(6.) Notice of the appointment by the court of the day for hearing the application for discharge shall be published in the prescribed manner, and sent fourteen days at least before the day so appointed to each creditor who has proved, and the court may hear the official receiver and the trustee, and may also hear any creditor. At the hearing the court may put such questions to the debtor and receive such evidence as it may think fit.

(7.) The powers of suspending and of attaching conditions to a bankrupt's discharge may be exercised concurrently.

(8.) A discharged bankrupt shall, notwithstanding his discharge, give such assistance as the trustee may require in the realization

and distribution of such of his property as is vested in the trustee, and if he fails to do so he shall be guilty of a contempt of court; and the court may also, if it thinks fit, revoke his discharge, but without prejudice to the validity of any sale, disposition, or payment duly made or thing duly done subsequent to the discharge but before its revocation.

Disqualification of bankrupt.

**9.** No disqualification arising by virtue of section thirty-two of the principal Act shall exceed a period of five years from the date of any discharge which may have been, or may hereafter be, granted under and by virtue of the principal Act, or of this Act. It is hereby declared that the disqualifications arising by virtue of the said section include disqualification for being elected to, or holding or executing the office of, a member of a county council.

Effect of order of discharge.

**10.** An order of discharge shall not release the bankrupt from any liability under a judgment against him in an action for seduction, or under an affiliation order, or under a judgment against him as a co-respondent in a matrimonial cause, except to such an extent and under such conditions as the court expressly orders in respect of such liability.

Duties of sheriff as to goods taken in execution.

**11.**—(1.) Where any goods of a debtor are taken in execution and before the sale thereof, or the completion of the execution by the receipt or recovery of the full amount of the levy, notice is served on the sheriff that a receiving order has been made against the debtor, the sheriff shall, on request, deliver the goods and any money seized or received in part satisfaction of the execution to the official receiver, but the costs of the execution shall be a first charge on the goods or money so delivered, and the official receiver or trustee may sell the goods, or an adequate part thereof, for the purpose of satisfying the charge.

(2.) Where under an execution in respect of a judgment for a sum exceeding twenty pounds, the goods of a debtor are sold or money is paid in order to avoid sale, the sheriff shall deduct his costs of the execution from the proceeds of sale or the money paid, and retain the balance for fourteen days, and if within that time notice is served on him of a bankruptcy petition having been presented against or by the debtor, and a receiving order is made against the debtor thereon or on any other petition of which the sheriff has notice, the sheriff shall pay the balance to the official receiver or, as the case may be, to the trustee, who shall be entitled to retain the same as against the execution creditor.

Sale of assets by sheriff.

**12.** Where any goods of a debtor are taken in execution, and the sheriff has notice of another execution or other executions, the court shall not consider an application for leave to sell privately until the notice directed by rules of court has been given to the other execution creditor or creditors, who may appear before the court and be heard upon the application.

Disclaimer.

**13.** The period of twelve months shall be substituted for each of the periods of three months and two months limited by sub-section one of section fifty-five of the principal Act, and such period of twelve months may be extended by the court.

The court may, if it thinks fit, modify the terms prescribed by the proviso in sub-section six of the same section so as to make the

person in whose favour the vesting order may be made subject only to the same liabilities and obligations as if the lease had been assigned to him at the date when the bankruptcy petition was filed, and (if the case so requires) as if the lease had comprised only the property comprised in the vesting order.

**14.** The Board of Trade may by order, for reasons to be stated therein, direct in any special case that any of its officers mentioned in the order shall be capable of discharging any portion of the duties of the official receiver for the performance of which it is in the opinion of the Board expedient that some person other than the official receiver be appointed, provided that no additional expense be thereby incurred. Deputy of official receiver.

**15.**—(1.) The part of the trustee's remuneration to be payable in pursuance of section seventy-two of the principal Act on the amount realised shall be payable only on the amount realised by the trustee. Remuneration of trustee, &c.

(2.) Where a trustee acts without remuneration he shall be allowed out of the bankrupt's estate such proper expenses incurred by him in or about the proceedings of the bankruptcy as the creditors may, with the sanction of the Board of Trade, approve.

(3.) The sanction required under section seventy-three of the principal Act for the employment of solicitors and other persons must be a sanction obtained before the employment, except in cases of urgency, and in such cases it must be shown that no undue delay took place in obtaining the sanction.

**16.** The trustee or official receiver shall, whenever required by any creditor so to do, furnish and transmit to such creditor by post a list of the creditors, showing in such list the amount of the debt due to each of such creditors. The trustee or official receiver shall be entitled to charge for such list the sum of threepence per folio of seventy-two words, together with the cost of the postage thereof. Trustee to furnish list of creditors.

**17.** It shall be lawful for any creditor, with the concurrence of one-sixth of the creditors (including himself), at any time to call upon the trustee or official receiver to furnish and transmit to the creditors a statement of the accounts up to the date of such notice, and the trustee shall, upon receipt of such notice, furnish and transmit such statement of the accounts. Provided, the person at whose instance the accounts are furnished shall deposit with the trustee or official receiver, as the case may be, a sum sufficient to pay the costs of furnishing and transmitting the accounts, such sum to be repaid to him out of the estate if the creditors or the court so direct. Statement of accounts.

**18.** It shall be lawful for any creditor, with the concurrence of one-sixth in value of the creditors (including himself), at any time to request the trustee or official receiver to call a meeting of the creditors, and the trustee or official receiver shall call such meeting accordingly within fourteen days. Summons of meeting.

Provided that the person at whose instance the meeting is summoned shall deposit with the trustee or official receiver as the case may be a sum sufficient to pay the costs of summoning the meeting such sum to be repaid to him out of the estate if the creditors or the court so direct.

Removal of trustee

**19.** The power of the Board of Trade to remove a trustee under section eighty-six of the principal Act shall extend to any case in which the Board are of opinion that the trustee is, by reason of lunacy, or continued sickness, or absence, incapable of performing his duties, or that his connexion with or relation to the bankrupt, or his estate, or any particular creditor, might make it difficult for him to act with impartiality in the interest of the creditors generally, or where in any other matter he has been removed from office on the ground of misconduct.

Relation back in case of receiving order against judgment debtor.

**20.** Where a receiving order is made against a judgment debtor in pursuance of section one hundred and three of the principal Act, the bankruptcy of the debtor shall be deemed to have relation back to and to commence at the time of the order, or, if the bankrupt is proved to have committed any previous act of bankruptcy, then to have relation back to and to commence at the time of the first of the acts of bankruptcy proved to have been committed by the debtor within three months next preceding the date of the order; and section forty-eight of the principal Act shall apply as if the debtor had been adjudged bankrupt on a bankruptcy petition presented at the date of the receiving order.

Administration in bankruptcy of estate of person dying insolvent.

**21.**—(1.) An order for the administration of a deceased person's estate may be made under section one hundred and twenty-five of the principal Act before the expiration of two months from the date of the grant of probate or letters of administration without the concurrence or proof mentioned in sub-section three of that section.

(2.) The power under the same section to transfer to a court exercising jurisdiction in bankruptcy proceedings commenced in any other court for the administration of a deceased debtor's estate may be exercised without the application of any creditor, and whenever the latter court is satisfied that the estate is insufficient to pay its debts.

(3.) In cases of administration in bankruptcy, in pursuance of section one hundred and twenty-five of the principal Act and this section, of estates of persons dying insolvent, the creditors shall have the same powers as to appointment of trustees and committees of inspection as they have in other cases where the estate of a debtor is being administered or dealt with in bankruptcy, and the provisions of the principal Act and this Act, relating to trustees and committees of inspection, shall apply to trustees and committees of inspection appointed under the power conferred by this section.

Proxies.

**22.**—(1.) Every instrument of proxy shall be in the prescribed form, and shall be issued by the official receiver of the debtor's estate, or by some other official receiver, or, after the appointment of a trustee, by the trustee, and every insertion therein shall be in the handwriting of the person giving the proxy, or of any manager or clerk, or other person in his regular employment, or of any commissioner to administer oaths in the Supreme Court.

(2.) General and special forms of proxy shall be sent to the creditors, together with a notice summoning a meeting of creditors, and neither the name nor the description of the official receiver, or of any other person, shall be printed or inserted in the body of any instrument of proxy before it is so sent.

(3.) A creditor may give a special proxy to any person to vote at any specified meeting or adjournment thereof on all or any of the following matters:—

(*a*.) For or against any specific proposal for a composition or scheme of arrangement:

(*b*.) For or against the appointment of any specified person as trustee at a specified rate of remuneration, or as member of the committee of inspection, or for or against the continuance in office of any specified person as trustee or member of a committee of inspection:

(*c*.) On all questions relating to any matter, other than those above referred to, arising at any specified meeting or adjournment thereof.

**Interest on debts.**

**23.** Where a debt has been proved upon a debtor's estate under the principal Act, and such debt includes interest, or any pecuniary consideration in lieu of interest, such interest or consideration shall, for the purposes of dividend, be calculated at a rate not exceeding five per centum per annum, without prejudice to the right of a creditor to receive out of the estate any higher rate of interest to which he may be entitled after all the debts proved in the estate have been paid in full.

**Swearing of affidavits in England and Wales.**

**24.** Any affidavit to be used in a bankruptcy court may be sworn not only before the persons named in section one hundred and thirty-five of the principal Act, but also in England and Wales before a justice of the peace for the county or place where it is sworn.

**Returns to Board of Trade of receipts and expenditure under 50 & 51 Vict. c. 57**

**25.**—(1.) The general annual report which, by section one hundred and thirty-one of the principal Act, the Board of Trade is required to cause to be prepared and laid before Parliament, shall include a report of proceedings under the Deeds of Arrangement Act, 1887.

(2.) For the purposes of such report—

(*a*) The registrar of bills of sale shall make to the Board of Trade such returns of the registration of deeds of arrangement, at such times, and in such manner and form, as may be prescribed;

(*b*) Every trustee under any deed of arrangement, as defined by section four of the Deeds of Arrangement Act, 1887, shall, within thirty days of the first day of January in each year, transmit to the Board of Trade, or as they direct, an account of his receipts and payments as such trustee, in the prescribed form, and verified in the prescribed manner. If any trustee fails to transmit such account, the judge of the High Court to whom bankruptcy business has been assigned may, for the purpose of enforcing the provisions of this section, exercise, on the application of the Board of Trade in the matter, all the powers conferred on the court by sub-section five of section one hundred and two of the principal Act in cases of bankruptcy.

The term "trustee" in this section shall include any person appointed to distribute a composition or to act in any fiduciary capacity under any deed of arrangement.

(3.) The accounts transmitted to the Board of Trade in pursuance of this section shall be open to inspection by any creditor on payment of the prescribed fee.

Penal provisions of 32 & 33 Vict. c. 62.

**26.** Section eleven of the Debtors Act, 1869, shall have effect as if there were substituted therein for the words "if within four "months next before the presentation of a bankruptcy petition "against him" the words "if within four months next before the "presentation of a bankruptcy petition by or against him, or in "case of a receiving order made under section one hundred and "three of the Bankruptcy Act, 1883, before the date of the order."

Amendment of 24 & 25 Vict. c. 96. s. 85.

**27.**—(1.) There shall be repealed so much of section eighty-five of the Act of the session held in the twenty-fourth and twenty-fifth years of Her present Majesty, chapter ninety-six, intituled "An Act to consolidate and amend the statute law of England "and Ireland relating to larceny and other similar offences," as provides that no person shall be liable to be convicted of any of the misdemeanors mentioned in sections seventy-five to eighty-four of that Act (being frauds by agents, bankers, or factors) if he shall have first disclosed the same in any compulsory examination or deposition before any court on the hearing of any matter in bankruptcy or insolvency.

(2.) A statement or admission made by any person in any compulsory examination or deposition before any court on the hearing of any matter in bankruptcy shall not be admissible as evidence against that person in any proceeding in respect of any of the misdemeanors referred to in the said section eighty-five.

Amendment of 46 & 47 Vict. c. 52. s. 42.

**28.** Section forty-two of the principal Act, relating to the power of a landlord to distrain for rent, shall be read and construed as if the words "six months rent" were substituted for the words "one year's rent."

Repeal.

**29.** The enactments mentioned in the schedule to this Act are hereby repealed to the extent mentioned in the third column of that schedule.

Commencement of Act.

**30.** This Act shall come into operation on the first day of January one thousand eight hundred and ninety-one.

Short title and construction.

**31.**—(1.) This Act may be cited as the Bankruptcy Act, 1890; and the principal Act and this Act may be cited collectively as the Bankruptcy Acts, 1883 and 1890.

(2.) This Act and the principal Act shall be construed as one Act.

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## SCHEDULE.

Section 29.

### ENACTMENTS REPEALED.

| Session and Chapter. | Title or Short Title. | Extent of Repeal. |
|---|---|---|
| 24 & 25 Vict. c. 96. | An Act to consolidate and amend the statute law of England and Ireland relating to larceny and other similar offences. | In section eighty-five, the words "or if he shall "have first disclosed the "same in any compul-"sory examination or "deposition before any "court upon the hearing "of any matter in bank-"ruptcy or insolvency." |

| Session and Chapter. | Title or Short Title. | Extent of Repeal. |
|---|---|---|
| 46 & 47 Vict. c. 52. | The Bankruptcy Act, 1883. | In sub-section one of section four, the paragraph marked (*e*).<br>Section eighteen.<br>In section twenty-three, the words "by special resolution."<br>Section twenty-eight.<br>In section forty-six, sub-sections one and two.<br>Sub-section four of section seventy-two.<br>Sub-section three of section one hundred and twenty-five, and in sub-section four of that section the words "in such case, on "the application of any "creditor and."<br>Rules sixteen and eighteen of the first schedule. |

# CHAPTER 72.

## An Act to apply a sum out of the Consolidated Fund to the service of the year ending on the thirty-first day of March one thousand eight hundred and ninety-one, and to appropriate the Supplies granted in this Session of Parliament. [18th August 1890.]

Most Gracious Sovereign,

WE, Your Majesty's most dutiful and loyal subjects, the Commons of the United Kingdom of Great Britain and Ireland in Parliament assembled, towards making good the supply which we have cheerfully granted to Your Majesty in this session of Parliament, have resolved to grant unto Your Majesty the sum herein-after mentioned; and do therefore most humbly beseech Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

*Grant out of Consolidated Fund.*

Issue of £31,057,732 out of the Consolidated Fund.

1. The Commissioners of Her Majesty's Treasury for the time being may issue out of the Consolidated Fund of the United Kingdom of Great Britain and Ireland, and apply towards making good the supply granted to Her Majesty for the service of the year ending on the thirty-first day of March one thousand eight hundred and ninety-one, the sum of thirty-one million fifty-seven thousand seven hundred and thirty-two pounds.

Power for the Treasury to borrow.

2. The Commissioners of Her Majesty's Treasury may borrow from time to time, on the credit of the said sum of thirty-one million fifty-seven thousand seven hundred and thirty-two pounds, any sum or sums of equal or less amount in the whole, and shall repay the moneys so borrowed, with interest not exceeding five pounds per centum per annum, out of the growing produce of the Consolidated Fund at any period not later than the next succeeding quarter to that in which the said moneys were borrowed.

Any moneys so borrowed shall be placed to the credit of the account of Her Majesty's Exchequer, and shall form part of the said Consolidated Fund, and be available in any manner in which such fund is available.

*Appropriation of Grants.*

Appropriation of sums voted for supply services.

3. All sums granted by this Act and the other Acts mentioned in Schedule (A.) annexed to this Act out of the said Consolidated Fund towards making good the supply granted to Her Majesty, amounting, as appears by the said schedule, in the aggregate, to the sum of fifty-nine million eight hundred and fifty-one thousand five hundred and fifty-two pounds six shillings and three pence are appropriated and shall be deemed to have been appropriated as from the date of the passing of the first of the Acts mentioned in the said Schedule (A.) for the purposes and services expressed in Schedule (B.) annexed hereto.

The abstract of schedules and schedules annexed hereto, with the notes (if any) to such schedules, shall be deemed to be part of this Act in the same manner as if they had been contained in the body thereof.

Treasury may, in certain cases of exigency, authorise expenditure unprovided for; provided that the aggregate grants for the navy services and for the army services respectively be not exceeded.

4. If a necessity arise for incurring expenditure not provided for in the sums appropriated to naval and military services by this Act, and which it may be detrimental to the public service to postpone until provision can be made for it by Parliament in the usual course, each of the departments entrusted with the control over the said services shall forthwith make application in writing to the Commissioners of Her Majesty's Treasury for their authority to defray temporarily such expenditure out of any surpluses which may have been or which may be effected by the saving of expenditure upon votes within the same department, and in such application the department shall represent to the Commissioners of the Treasury the circumstances which may render such additional expenditure necessary, and thereupon the said Commissioners may authorise the expenditure unprovided for as aforesaid to be temporarily defrayed out of any surpluses which may have been or which may be effected as aforesaid upon votes within the same department; and a statement showing all cases in which the naval and military departments have obtained the sanction of the said Commissioners to any expenditure not provided for in the respective votes aforesaid, accompanied by copies of the representations made to them by the said departments, shall be laid before the House of Commons with the appropriation accounts of navy and army services for the year, in order that such proceedings may be

submitted for the sanction of Parliament, and that provision may be made for the deficiencies upon the several votes for the said services in such manner as Parliament may determine.

The Commissioners of the Treasury shall not authorise any expenditure which may cause an excess upon the aggregate sums appropriated by this Act for naval services and for army services respectively.

Sanction for navy and army expenditure for 1888–89 unprovided for.

5. Whereas the Commissioners of the Treasury, under the powers vested in them by the Appropriation Act, 1888, have authorised expenditure not provided for in the sums appropriated by the said Act to certain votes for naval and military services for the year ended on the thirty-first day of March one thousand eight hundred and eighty-nine to be temporarily defrayed out of surpluses, effected by the saving of expenditure, on other votes for naval and military services for the said year; viz.,

1st. A sum of one hundred and seventeen thousand seven hundred and thirty-one pounds six shillings and ten pence for navy services out of the unexpended balances of certain votes, aided by sums realised in excess of the estimated appropriations in aid:

2nd. A sum of one hundred and twenty-four thousand seven hundred and seventy pounds seventeen shillings and eleven pence for army services out of the unexpended balances of certain votes, aided by sums realised in excess of the estimated appropriations in aid:

It is enacted that the application of the said sums is hereby sanctioned.

Declaration required in certain cases before receipt of sums appropriated.

6. A person shall not receive any part of a grant which may be made in pursuance of this Act for half-pay or army, navy, or civil non-effective services until he has subscribed such declaration as may from time to time be prescribed by a warrant of the Commissioners of Her Majesty's Treasury before one of the persons prescribed by such warrant.

Provided that, whenever any such payment is made at more frequent intervals than once in a quarter, the Commissioners of Her Majesty's Treasury may dispense with the production of more than one declaration in respect of each quarter.

Any person who makes a declaration for the purpose of this section, knowing the same to be untrue in any material particular, shall be guilty of a misdemeanor.

Short title of Act.

7. This Act may be cited for all purposes as the Appropriation Act, 1890.

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## ABSTRACT

OF

## SCHEDULES (A.) and (B.) to which this Act refers.

### SCHEDULE (A.)

| | £ | s. | d. |
|---|---|---|---|
| Grants out of the Consolidated Fund - - - | 59,851,552 | 6 | 3 |

## SCHEDULE (B.)—APPROPRIATION OF GRANTS.

| | £ | s. | d. | £ | s. | d. |
|---|---|---|---|---|---|---|
| **1889-90.** | | | | | | |
| Part 1. Civil Service Deficiencies, 1888-89 | 8,052 | 6 | 3 | | | |
| ,, 2. Civil Services (Supplementary) 1889-90 - - - - | 175,129 | 0 | 0 | | | |
| ,, 3. Navy (Supplementary) 1889-90 - | 350,000 | 0 | 0 | | | |
| ,, 4. Army Ordnance Factories (Supplementary) 1889-90 - - | 15,000 | 0 | 0 | | | |
| | | | | 548,181 | 6 | 3 |
| **1890-91.** | | | | | | |
| ,, 5. Navy - - - - - - | | | | 13,786,600 | 0 | 0 |
| ,, 6. Army (including Ordnance Factories) - - | | | | 17,907,900 | 0 | 0 |
| | £ | | | | | |
| ,, 7. Civil Services, Class I. - - | 1,595,050 | | | | | |
| ,, 8. Ditto, Class II. - - | 2,141,583 | | | | | |
| ,, 9. Ditto, Class III. - - | 4,505,963 | | | | | |
| ,, 10. Ditto, Class IV. - - | 6,113,720 | | | | | |
| ,, 11. Ditto, Class V. - - | 681,344 | | | | | |
| ,, 12. Ditto, Class VI. - - | 639,385 | | | | | |
| ,, 13. Ditto, Class VII. - - | 251,648 | | | | | |
| TOTAL CIVIL SERVICES - - - | | | | 15,928,693 | 0 | 0 |
| ,, 14. Revenue departments, &c. - - - | | | | 11,280,178 | 0 | 0 |
| ,, 15. Exchequer Bonds (Cape Railway) - - - | | | | 400,000 | 0 | 0 |
| | | | | 59,851,552 | 6 | 3 |

SCHED. (A.)

## SCHEDULE (A.)

### GRANTS OUT OF THE CONSOLIDATED FUND.

| | £ | s. | d. |
|---|---|---|---|
| For the service of the years ending 31st March 1889 and 1890:— | | | |
| Under Act 53 Vict. c. 1. - - - - | 548,181 | 6 | 3 |
| For the service of the year ending 31st March 1891:— | | | |
| Under Act 53 Vict. c. 1. - - - - | 16,395,203 | 0 | 0 |
| Under Act 53 & 54 Vict. c. 28. - - - | 11,850,436 | 0 | 0 |
| Under this Act - - - - - | 31,057,732 | 0 | 0 |
| TOTAL - - - | 59,851,552 | 6 | 3 |

SCHED. (B.) PART 1 Civil Service Deficiencies, 1888-89.

## SCHEDULE (B.)—PART 1.

### CIVIL SERVICES DEFICIENCIES, 1888-89.

SCHEDULE of SUMS granted to make good deficiencies on the several grants herein particularly mentioned for the year ended on the 31st day of March 1889; viz.:—

| CIVIL SERVICES. | £ | s. | d. |
|---|---|---|---|
| CLASS III. | | | |
| County Courts - - - - - - - | 8,031 | 12 | 3 |
| Land Registry - - - - - - - | 20 | 14 | 0 |
| Total - - - | 8,052 | 6 | 3 |

## SCHEDULE (B.)—PART 2.

SCHED. (B.) PART 2. Civil Services (Supplementary), 1889-90.

### CIVIL SERVICES (SUPPLEMENTARY), 1889-90.

SCHEDULE of SUPPLEMENTARY SUMS granted to defray the charges for the Services herein particularly mentioned for the year ended on the 31st day of March 1890; viz.:—

| CIVIL SERVICES. | £ |
|---|---|
| **CLASS I.** | |
| Houses of Parliament | 6,800 |
| Public Buildings, Great Britain | 7,000 |
| Science and Art Department Buildings | 100,000 |
| Diplomatic and Consular Buildings | 2,050 |
| **CLASS II.** | |
| Foreign Office | 700 |
| Board of Agriculture | 2,166 |
| **CLASS III.** | |
| County Courts | 9,068 |
| Revising Barristers, England | 326 |
| Reformatory and Industrial Schools, Great Britain | 3,400 |
| Register House, Edinburgh | 630 |
| Crofters' Commission | 1,205 |
| **CLASS IV.** | |
| Universities, Scotland | 565 |
| **CLASS V.** | |
| Diplomatic Services | 4,000 |
| Consular Services | 10 |
| Colonies, Grants in Aid | 5,030 |
| South Africa and St. Helena | 23,250 |
| **CLASS VI.** | |
| Superannuation and Retired Allowances | 8,101 |
| Pauper Lunatics, Scotland | 828 |
| Total | 175,129 |

## SCHEDULE (B.)—PART 3.

SCHED. (B.) PART 3. Navy (Supplementary).

### NAVY (SUPPLEMENTARY) 1889-90.

| | £ |
|---|---|
| Naval Armaments | 350,000 |

SCHED. (B.) PART 4. Army (Supplementary).

## SCHEDULE (B.)—PART 4.

### ARMY ORDNANCE FACTORIES (SUPPLEMENTARY) 1889–90.

| | £ |
|---|---|
| Army Ordnance Factories | 15,000 |

SCHED. (B.) PART 5. Navy.

## SCHEDULE (B.)—PART 5.

### NAVY.

SCHEDULE of SUMS granted to defray the charges of the NAVY SERVICES herein particularly mentioned, which will come in course of payment during the year ending on the 31st day of March 1891; viz.:—

| No. | | Sums not exceeding £ |
|---|---|---|
| 1. | For wages, &c. to 68,800 officers, seamen, and boys, coastguard, and Royal marines | 3,312,500 |
| 2. | For the expense of victualling and clothing for the navy, including the cost of victualling establishments at home and abroad | 1,103,200 |
| 3. | For medical establishments and services and cost of medicines | 125,200 |
| 4. | For martial law, &c., including the cost of naval prisons at home and abroad | 11,900 |
| 5. | For educational services | 71,800 |
| 6. | For scientific services | 57,900 |
| 7. | For the expense of the royal naval reserve, reserve of retired officers, seamen and marine pensioners, and royal naval artillery volunteers | 152,100 |
| 8. | Sect. 1. For the expense of the personnel for shipbuilding, repairs, and maintenance, including the cost of establishments of dockyards and naval yards at home and abroad | 1,659,300 |
| | ,, Sect. 2. For the expense of the materiel for shipbuilding, repairs, and maintenance, including the cost of establishments of dockyards and naval yards at home and abroad | 1,670,000 |
| | ,, Sect. 3. For the expense of contract work for shipbuilding, repairs, and maintenance, including the cost of establishments of dockyards and naval yards at home and abroad | 1,300,700 |
| 9. | For naval armaments | 1,463,500 |
| 10. | For works, buildings, and repairs at home and abroad, including the cost of superintendence, purchase of sites, grants in aid, and other charges connected therewith | 445,800 |
| 11. | For miscellaneous effective services | 133,400 |
| 12. | For the expense of the Admiralty Office | 220,500 |
| 13. | For half-pay, reserved and retired pay to officers of the navy and marines | 793,500 |
| 14. | For naval and marine pensions, gratuities, and compassionate allowances | 933,400 |
| 15. | For civil pensions and gratuities | 330,700 |
| 16. | For the expense necessary to be provided for under the arrangement made between the Imperial and Australasian Governments for the protection of floating trade in Australasian waters | 1,200 |
| | TOTAL NAVY SERVICES | 13,786,600 |

## SCHEDULE (B.)—PART 6.

SCHED. (B.) PART 6. Army.

### ARMY.

SCHEDULE of SUMS granted to defray the charges for the ARMY SERVICES herein particularly mentioned, which will come in course of payment during the year ending on the 31st day of March 1891; viz. :—

| No. | | Sums not exceeding £ |
|---|---|---|
| 1. | For the pay, allowances, and other charges of Her Majesty's army at home and abroad (exclusive of India), and of the general staff, regiments, and reserve (to a number not exceeding 62,500), and departments - - - | 5,648,300 |
| 2. | For medical establishments and services and cost of medicines - - - - - - - - | 294,800 |
| 3. | For the pay and allowances (exclusive of supplies, clothing, &c.) of the militia (to a number not exceeding 136,448, including 30,000 militia reserve), the yeomanry, and the volunteers (including a supplementary sum of 180,000*l.*) - | 1,555,000 |
| 4. | For the expense of transport and remounts - - - | 655,000 |
| 5. | For provisions, forage, and other supplies and clothing establishments and services - - - - | 3,467,600 |
| 6. | For the supply and repair of warlike and other stores (including a supplementary sum of 100*l.*) - - - | 2,049,100 |
| 7. | For the Royal Engineer superintending staff, and expenditure for Royal Engineer works, buildings, and repairs at home and abroad (including purchases) - - - | 665,200 |
| 8. | For establishments for military education - - - | 112,500 |
| 9. | For miscellaneous effective services - - - - | 104,800 |
| 10. | For the salaries and miscellaneous charges of the War Office | 258,400 |
| 11. | For retired pay, half-pay, and other non-effective charges for officers and others - - - - - | 1,562,900 |
| 12. | For Chelsea and Kilmainham hospitals, and the in-pensioners thereof, for out-pensions, for the maintenance of lunatics for whom pensions are not drawn, and for gratuities awarded in commutation and in lieu of pensions, exclusive of charges on India - - - - - - | 1,366,700 |
| 13. | For superannuation, compensation, and compassionate allowances, and gratuities - - - - - | 162,600 |
| | TOTAL ARMY SERVICES - - £ | 17,897,900 |
| | ARMY (ORDNANCE FACTORIES). | |
| | For the expense of the ordnance factories, the cost of productions of which are charged to the army, navy, and Indian and Colonial Governments - - - - - | 10,000 |
| | TOTAL ARMY SERVICES (INCLUDING ORDNANCE FACTORIES) £ | 17,907,900 |

SCHED. (B.) PART 7. Civil Services. Class I.

## SCHEDULE (B.)—PART 7.

### CIVIL SERVICES.—CLASS I.

SCHEDULE of SUMS granted to defray the charges of the several CIVIL SERVICES herein particularly mentioned, which will come in course of payment during the year ending on the 31st day of March 1891; viz.:—

| No. | | Sums not exceeding £ |
|---|---|---|
| 1. | For expenditure in respect of royal palaces and Marlborough House | 36,725 |
| 2. | For the royal parks and pleasure gardens | 90,775 |
| 3. | For expenditure in respect of public buildings in Great Britain, including the Houses of Parliament | 195,767 |
| 4. | For the extension of the Admiralty buildings | 25,000 |
| 5. | For expenditure in respect of miscellaneous legal buildings, viz., County Courts, Metropolitan Police Courts, and Sheriff Court Houses, Scotland | 60,522 |
| 6. | For expenditure in respect of Art and Science buildings, Great Britain | 24,062 |
| 7. | For expenditure in respect of diplomatic and consular buildings, and for the maintenance of certain cemeteries abroad | 40,993 |
| 8. | For the Customs, Inland Revenue, Post Office, and Post Office Telegraph Buildings, in Great Britain, including furniture, fuel, and sundry miscellaneous services | 337,465 |
| 9. | For the survey of the United Kingdom, and for revising the survey for maps for use in proceedings before the Land Judges in Ireland and the Irish Land Commission, publication of maps, and engraving the geological survey | 216,000 |
| 10. | For maintaining certain harbours, lighthouses, &c. under the Board of Trade | 20,375 |
| 11. | For constructing a new harbour of refuge at Peterhead | 30,040 |
| 12. | For a grant in aid of the funds of the Commissioners of the Caledonian Canal | 5,000 |
| 13. | For rates and contributions in lieu of rates, &c., in respect of Government property, and for salaries and expenses of the rating of Government property department | 239,453 |
| 14. | For the erection, repairs, and maintenance of public buildings in Ireland, for the maintenance of certain parks and public works, for drainage works on the River Shannon, for payments under the Tramways and Public Companies (Ireland) Act, 1883, and for expenditure under the Light Railways (Ireland) Act, 1889 | 272,873 |
| | TOTAL CIVIL SERVICES, CLASS I. £ | 1,595,050 |

## SCHEDULE (B.)—PART 8.

## CIVIL SERVICES.—CLASS II.

SCHED. (B.) PART 8. Civil Services. Class II.

SCHEDULE of SUMS granted to defray the charges of the several CIVIL SERVICES herein particularly mentioned, which will come in course of payment during the year ending on the 31st day of March 1891; viz.:—

| No. | | Sums not exceeding £ |
|---|---|---|
| 1. | For salaries and expenses in the offices of the House of Lords | 43,193 |
| 2. | For salaries and expenses in the offices of the House of Commons - - - - - - - - | 50,523 |
| 3. | For salaries and expenses of the department of Her Majesty's Treasury and subordinate departments - - - | 91,122 |
| 4. | For salaries and expenses of the office of Her Majesty's Secretary of State for the Home Department and subordinate offices - - - - - - - | 94,495 |
| 5. | For salaries and expenses of the department of Her Majesty's Secretary of State for Foreign Affairs - - - | 71,326 |
| 6. | For salaries and expenses of the department of Her Majesty's Secretary of State for the Colonies, including certain expenses connected with Emigration - - - | 41,663 |
| 7. | For salaries and expenses of the department of Her Majesty's Most Honourable Privy Council and for quarantine expenses - - - - - - - - | 16,207 |
| 8. | For salaries and expenses of the office of the Committee of Privy Council for Trade, and subordinate departments | 160,544 |
| 9. | For meeting the deficiency of income from fees, &c. for the requirements of the Board of Trade, under the Bankruptcy Act, 1883 - - - - - - - | 10 |
| 10. | For the salaries and expenses of the Board of Agriculture, and for defraying the repayable expenses to be incurred in matters of Inclosure and Land Improvement - - | 55,342 |
| 11. | For salaries and expenses of the Charity Commission for England and Wales, including the Endowed Schools and City of London Parochial Charities departments - - | 41,083 |
| 12. | For salaries and expenses of the Civil Service Commission - | 40,496 |
| 13. | For salaries and expenses of the department of the Comptroller and Auditor General - - - - - | 57,612 |
| 14. | For salaries and expenses of the Registry of Friendly Societies - - - - - - - - | 8,087 |
| 15. | For salaries and expenses of the Local Government Board - | 164,747 |
| 16. | For salaries and expenses of the office of the Commissioners in Lunacy in England - - - - - - | 15,507 |
| 17. | In aid of the Mercantile Marine Fund - - - | 40,000 |
| 18. | For salaries and expenses of the Mint, including the expenses of the coinage - - - - - - - | 70,711 |
| 19. | For salaries and expenses of the National Debt Office - | 13,731 |
| 20. | For salaries and expenses of the establishment under the Public Works Loan Commissioners - - - | 9,494 |
| 21. | For salaries and expenses of the Public Record Office in England - - - - - - - - | 21,636 |

SCHED. (B.) PART 8. Civil Services Class II.

| No. | | Sums not exceeding £ |
|---|---|---|
| 22. | For salaries and expenses of the department of the Registrar General of Births, &c. in England - - - | 49,118 |
| 23. | For stationery, printing, and paper, binding, and printed books, for the public departments and for the two Houses of Parliament; for the salaries and expenses of the Stationery Office, and the cost of Stationery Office publications, and of the Gazettes; and for sundry miscellaneous services, including the publication of Parliamentary Debates - - - - - - - - | 555,182 |
| 24. | For salaries and expenses of the office of Her Majesty's Woods, Forests, and Land Revenues, and of the office of Land Revenue Records and Inrolments - - - | 25,875 |
| 25. | For salaries and expenses of the office of the Commissioners of Her Majesty's Works and Public Buildings - - | 49,540 |
| 26. | For Her Majesty's foreign and other secret services - - | 35,000 |
| 27. | For the salaries and expenses of the office of Her Majesty's Secretary for Scotland and subordinate offices - - | 11,533 |
| 28. | For salaries and expenses of the Fishery Board in Scotland, and for grants in aid of piers or quays (including a supplementary sum of 1,874*l.*) - - - - | 24,122 |
| 29. | For salaries and expenses of the Board of Lunacy in Scotland | 5,795 |
| 30. | For salaries and expenses of the department of the Registrar General of Births, &c. in Scotland - - - | 6,025 |
| 31. | For salaries and expenses of the Board of Supervision for Relief of the Poor, and for expenses under the Public Health Acts, Vaccination Act, and Local Government (Scotland) Act - - - - - - - | 9,503 |
| 32. | For salaries of the household of the Lord Lieutenant of Ireland and other expenses - - - - - - | 4,764 |
| 32A. | For salaries and expenses of the offices of the Chief Secretary to the Lord Lieutenant of Ireland, in Dublin and London, and subordinate departments - - - - | 39,794 |
| 33. | For salaries and expenses of the office of the Commissioners of Charitable Donations and Bequests for Ireland (including a supplementary sum of 124*l.*) - - - | 2,281 |
| 34. | For salaries and expenses of the Local Government Board in Ireland, including certain grants in aid of local taxation - | 132,602 |
| 35. | For salaries and expenses of the Office of Public Works in Ireland - - - - - - - | 37,661 |
| 36. | For salaries and expenses of the Public Record Office and of the Keeper of the State Papers in Ireland - - - | 5,635 |
| 37. | For salaries and expenses of the department of the Registrar General of Births, &c., and for expenses of the collection of agricultural and other statistics in Ireland - - | 16,617 |
| 38. | For salaries and expenses of the general valuation and boundary survey of Ireland - - - - - | 23,007 |
| | TOTAL CIVIL SERVICES, CLASS II. - £ | 2,141,583 |

## SCHEDULE (B.)—PART 9.

## CIVIL SERVICES.—CLASS III.

SCHED. (B.) PART 9. Civil Services. Class III.

SCHEDULE of SUMS granted to defray the charges of the several CIVIL SERVICES herein particularly mentioned, which will come in course of payment during the year ending on the 31st day of March 1891; viz.:—

| No. | | Sums not exceeding £ |
|---|---|---|
| 1. | For the salaries of the law officers, the salaries and expenses of the department of the Solicitor for the affairs of Her Majesty's Treasury, Queen's Proctor, and Director of Public Prosecutions, the costs of prosecutions, and of other legal proceedings and of Parliamentary Agency - | 71,500 |
| 2. | For certain miscellaneous legal expenses - - - | 59,133 |
| 3. | For such of the salaries and expenses of the Supreme Court of Judicature as are not charged on the Consolidated Fund, and those of the land registry - - - | 393,900 |
| 4. | For salaries and expenses connected with the County Courts | 436,886 |
| 5. | For salaries and expenses of the police courts of London and Sheerness - - - - - - | 18,594 |
| 6. | For the salaries of the Commissioner, and Assistant Commissioners of the Metropolitan Police, and of the Receiver for the Metropolitan Police District, the pay and expenses of officers of Metropolitan Police employed on special duties, and the salaries and expenses of the Inspectors of Constabulary - - - - - - | 55,586 |
| 7. | For the expenses of the prisons in England, Wales, and the Colonies - - - - - - - | 656,701 |
| 8. | For the maintenance of juvenile offenders in reformatory, industrial, and day industrial schools in Great Britain, and for the salaries and expenses of the Inspectors of Reformatories - - - - - - | 292,419 |
| 9. | For the maintenance of criminal lunatics in Broadmoor Criminal Lunatic Asylum - - - - - | 32,033 |
| 10. | For salaries and expenses of the Lord Advocate's department and other law charges, and the salaries and expenses of the Courts of Law and Justice in Scotland - - | 122,423 |
| 11. | For salaries and expenses of the offices in Her Majesty's General Register House, Edinburgh - - - | 38,559 |
| 12. | For the expenses of the Establishment of the Crofters' Commission - - - - - - - | 9,620 |
| 13. | For the expenses of the Prison Commissioners for Scotland, and of the prisons under their control, including the maintenance of criminal lunatics and the preparation of judicial statistics - - - - - - - | 100,090 |
| 14. | For the expenses of criminal prosecutions and other law charges in Ireland - - - - - - | 80,571 |
| 15. | For such of the salaries and expenses of the Supreme Court of Judicature and of certain other legal departments in Ireland as are not charged on the Consolidated Fund - | 116,099 |
| 16. | For the salaries and expenses of the office of the Irish Land Commission - - - - - - - | 115,687 |
| 17. | For the salaries, allowances, expenses, and pensions of various county court officers, divisional commissioners, and of magistrates in Ireland, and the expenses of revision - | 117,766 |
| 18. | For salaries and expenses of the Commissioners of Police, of the police courts and of the metropolitan police establishment of Dublin - - - - - | 98,117 |

SCHED. (B.) PART 9. Civil Services. Class III.

| No. | | Sums not exceeding £ |
|---|---|---|
| 19. | For the expenses of the Royal Irish Constabulary - - | 1,439,490 |
| 20. | For the expenses of the General Prisons Board in Ireland, and of the prisons under their control; and of the registration of habitual criminals - - - - | 132,499 |
| 21. | For the expenses of reformatories and industrial schools in Ireland - - - - - - - | 111,250 |
| 22. | For the maintenance of criminal lunatics in Dundrum Criminal Lunatic Asylum, Ireland - - - - | 7,040 |
| | TOTAL CIVIL SERVICES, CLASS III. - £ | 4,505,963 |

SCHED. (B.) PART 10. Civil Services. Class IV.

## SCHEDULE (B.)—PART 10.

### CIVIL SERVICES.—CLASS IV.

SCHEDULE of SUMS granted to defray the charges of the several CIVIL SERVICES herein particularly mentioned, which will come in course of payment during the year ending on the 31st day of March 1891; viz.:—

| No. | | Sums not exceeding £ |
|---|---|---|
| 1. | For public education in England and Wales, including the expenses of the Education Office in London - - | 3,782,224 |
| 2. | For salaries and expenses of the Department of Science and Art, and of the establishments connected therewith - | 474,896 |
| 3. | For salaries and expenses of the British Museum, including the amount required for the Natural History Museum - | 155,145 |
| 4. | For salaries and expenses of the National Gallery (including a supplementary sum of 25,000*l.*) - - - - | 39,594 |
| 5. | For salaries and expenses of the National Portrait Gallery - | 2,209 |
| 6. | For grants in aid of the expenditure of certain learned societies in Great Britain and Ireland and for scientific investigation (including a supplementary sum of 1,200*l.*) - | 26,453 |
| 7. | In aid of the expenses of certain Universities and Colleges in Great Britain - - - - - - - | 71,000 |
| 8. | For salaries and expenses of the University of London - | 14,874 |
| 9. | For public education in Scotland - - - - - | 611,581 |
| 10. | For a grant to the Board of Trustees for manufactures in Scotland, in aid of the maintenance of the National Gallery, School of Art and Museum of Antiquities, Scotland, and for the exhibition of the Torrie Collection of Works of Art, and for other purposes - - - - | 2,300 |
| 11. | For public education under the Commissioners of National Education in Ireland - - - - - - | 918,316 |
| 12. | For the salaries and expenses of the Office of the Commissioners of Education in Ireland appointed for the regulation of endowed schools - - - - - | 670 |
| 13. | For salaries and expenses of the National Gallery of Ireland, and for the purchase of pictures - - - - | 2,501 |
| 14. | In aid of the expenses of the Queen's Colleges in Ireland - | 11,957 |
| | TOTAL CIVIL SERVICES, CLASS IV. - £ | 6,113,720 |

## SCHEDULE (B.)—Part 11.

Sched. (B.) Part 11. Civil Services. Class V.

### CIVIL SERVICES.—Class V.

Schedule of Sums granted to defray the charges of the several Civil Services herein particularly mentioned, which will come in course of payment during the year ending on the 31st day of March 1891; viz.:—

| No. | | Sums not exceeding £ |
|---|---|---|
| 1. | For expenses of Her Majesty's embassies and missions abroad, and of consular establishments abroad, and other expenditure chargeable on the Consular Vote - - - | 407,909 |
| 2. | For the expenses of various services (other than Consular) in connection with the suppression of the slave trade, and the expenses of the Liberated African Department - | 26,140 |
| 3. | For sundry colonial services, including expenses incurred under the Pacific Islanders Protection Act, 1875, and certain charges connected with South Africa (including an additional sum of 30,000*l.*) - - - - | 156,920 |
| 4. | In aid of the revenue of the island of Cyprus - - | 35,000 |
| 5. | For the subsidies to Telegraph Companies and for the salary of the Official Director - - - - - | 55,375 |
| | Total Civil Services, Class V. - £ | 681,344 |

## SCHEDULE (B.)—Part 12.

Sched. (B.) Part 12. Civil Services. Class VI.

### CIVIL SERVICES.—Class VI.

Schedule of Sums granted to defray the charges of the several Civil Services herein particularly mentioned, which will come in course of payment during the year ending on the 31st day of March 1891; viz.:—

| No. | | Sums not exceeding £ |
|---|---|---|
| 1. | For superannuation, retired, and compassionate allowances and gratuities under sundry Statutes to persons formerly employed in the public service, and for certain compassionate allowances and gratuities awarded by the Commissioners of Her Majesty's Treasury - - | 479,989 |
| 2. | For pensions to masters and seamen of the merchant service, and to their widows and children - - - | 13,280 |
| 3. | For making good the deficiency arising from payments for interest to Friendly Societies - - - - - | 12,848 |
| 4. | For miscellaneous, charitable, and other allowances in Great Britain - - - - - - - - | 2,228 |
| 5. | In aid of the local cost of maintenance of pauper lunatics in Ireland - - - - - - - - | 112,362 |
| 6. | For hospitals and infirmaries and certain miscellaneous, charitable, and other allowances in Ireland - - | 18,678 |
| | Total Civil Services, Class VI. - £ | 639,385 |

## SCHEDULE (B.)—PART 13.

SCHED. (B.) PART 13. Civil Services. Class VII.

### CIVIL SERVICES.—CLASS VII.

SCHEDULE of SUMS granted to defray the charges of the several CIVIL SERVICES herein particularly mentioned, which will come in course of payment during the year ending on the 31st day of March 1891; viz.:—

| No. | | Sums not exceeding £ |
|---|---|---|
| 1. | For salaries and other expenses of temporary commissions and committees, including special inquiries | 29,374 |
| 2. | For certain miscellaneous expenses | 12,738 |
| 3. | For repayment to the Civil Contingencies Fund of certain miscellaneous advances | 5,305 |
| 4. | For a grant-in-aid to make good certain amounts required to be written off from the assets of the Local Loans Fund | 922 |
| 5. | In aid of the expenditure of the Board of Agriculture under the Contagious Diseases Animals (Pleuro-Pneumonia) Act, 1890 | 160,000 |
| 6. | For expenditure connected with the colonisation of certain Crofters and Cottars of the Western Highlands and Islands of Scotland | 956 |
| 7. | As a grant in aid of the Jamaica Industrial and Manufacturing Exhibition | 1,000 |
| 8. | For repayment of a forfeited deposit made under the West Donegal Railway Act, 1879 | 1,153 |
| 9. | As a grant to the Munster School of the Society of Friends, in consideration of an error committed by the Land Judges Division of the High Court of Justice in Ireland | 200 |
| 10 | For paying or making provision for grants-in-aid of the liabilities incurred or to be incurred by Boards of Guardians in Ireland, under the Labourers' (Ireland) Acts, 1883 and 1885 | 40,000 |
| | TOTAL CIVIL SERVICES, CLASS VII. £ | 251,648 |

## SCHEDULE (B.)—PART 14.

SCHED. (B.) PART 14. Revenue Departments, &c.

### REVENUE DEPARTMENTS, &c.

SCHEDULE of SUMS granted to defray the charges of the several REVENUE DEPARTMENTS, &c. herein particularly mentioned, which will come in course of payment during the year ending on the 31st day of March 1891; viz.:—

| No. | | Sums not exceeding £ |
|---|---|---|
| 1. | For salaries and expenses of the Customs Department | 914,027 |
| 2. | For salaries and expenses of the Inland Revenue Department | 1,753,926 |
| 3. | For salaries and expenses of the Post Office services, the expenses of Post Office savings banks, and Government annuities and insurances, and the collection of the Post Office revenue (including a supplementary sum of 50,000*l.*) | 5,598,551 |
| 4 | For the Post Office packet service (including an additional sum of 37,169*l.*) | 719,829 |
| 5. | For salaries and expenses of the Post Office telegraph service (including a supplementary sum of 50,000*l.*) | 2,293,845 |
| | TOTAL REVENUE DEPARTMENTS £ | 11,280,178 |

## SCHEDULE (B.)—PART 15.



| | £ |
|---|---|
| To pay off and discharge Exchequer bonds (Cape Railway) that will become due and payable during the year ending on the 31st day of March 1891 - - - - - - - - | 400,000 |

# APPENDIX AND INDEX.

## CONTENTS.


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# A TABLE OF

## The TITLES of the LOCAL and PRIVATE ACTS passed during the Session

53 & 54 VICTORIA.—A.D. 1890.

## LOCAL ACTS.

*The Titles to which the Letter* **P.** *is prefixed are Public Acts of a Local Character.*

ROYAL ASSENT, 2nd May 1890.

i. AN Act to alter the mode of appointment of the Chaplain or Minister of the ancient Chapel of Saint John Deritend in the Diocese of Worcester and to provide for the constitution of part of the Hamlet of Saint John Deritend into a separate Parish for ecclesiastical purposes; and to make other consequential arrangements. (*Saint John's Chapel Deritend.*)

ii. An Act to enable Messieurs Henry Bath and Son to issue transferable Certificates and Warrants for the delivery of Goods; and for other purposes. (*Henry Bath and Son's (Delivery Warrants).*)

iii. An Act for the Abandonment of the Railways and New Street authorised by the Columbia Market Act, 1885. (*Columbia Market Railways (Abandonment).*)

iv. An Act for enabling the purchase of the Braid Hills by the Lord Provost, Magistrates and Council of the City of Edinburgh to be completed; for extending the Municipal and Police Boundaries of the City, including the Royal Burgh; for prohibiting or regulating games on Bruntsfield Links; and for other purposes. (*Edinburgh Municipal and Police Extension.*)

v. An Act to extend the time for the completion of the authorised Railway of the Holsworthy and Bude Railway Company and for other purposes. (*Holsworthy and Bude Railway.*)

vi. An Act to enable the Clayton Allerton and Thornton Gas Company to extend their works; to raise further Capital; and for other purposes. (*Clayton Allerton and Thornton Gas.*)

vii. An Act to extend the time for the completion of the Works authorised by the Clyde Lighthouses Act, 1880, and the purchase of Lands therefor. (*Clyde Lighthouses.*)

viii. An Act for freeing a Chapel formerly belonging to the Royal Naval School at New Cross and the Site thereof from Ecclesiastical uses purposes and disabilities and for authorising the demolition of the said Chapel; and for other purposes. (*Royal Naval School (New Cross) Disused Chapel Site.*)

ix. An Act to authorize the purchase of a Site in Southwark for the South London Polytechnic Institutes. (*South London Polytechnic Institutes (Borough Road Site).*)

ROYAL ASSENT, 22nd May 1890.

x. An Act to enable the Hartlepool Gas and Water Company to purchase additional lands and to erect Gasworks thereon and for other purposes. (*Hartlepool Gas and Water.*)

xi. An Act to authorise the Trustees of the Cart Navigation to borrow additional money and to levy additional rates and for other purposes. (*Cart Navigation.*)

xii. An Act for the abandonment of the Railways authorised by the Church Fenton, Cawood and Wistow Railway Act, 1879, and the Selby and Mid-Yorkshire Union Railway Act, 1883. (*Selby and Mid-Yorkshire Union Railway (Abandonment).*)

xiii. An Act for the sale and transfer to the Great Eastern Railway Company of the Undertaking of the Hunstanton and West Norfolk Railway Company and for other purposes. (*Great Eastern Hunstanton and West Norfolk Railway Companies.*)

xiv. An Act for the transference of the Property of the Feuars of Falkirk to the Magistrates and Council of the Burgh of Falkirk; for extending the Municipal and Police Boundaries of the Burgh; for borrowing further money for Drainage; and for other purposes. (*Falkirk Corporation.*)

xv. An Act to extend the time for the compulsory purchase of lands and for completing the Worcester and Broom Railway. (*Worcester and Broom Railway (Extension of Time).*)

xvi. An Act for the Abandonment of the Brentford and District Tramways and for authorising the release of the Tramway Deposit Fund remaining deposited as security for the completion thereof. (*Brentford and District Tramways (Abandonment).*)

**xvii.** An Act to authorise the Local Board for the district of Baildon to construct Works for obtaining a further supply of Water and to borrow further money and for other purposes. (*Baildon Local Board Water.*)

**xviii.** An Act to amend the Birkenhead Corporation (Gas and Water) Act 1881 and to make further provisions as to the supply of Gas and Water by the Corporation of Birkenhead; and for other purposes. (*Birkenhead Corporation (Gas and Water).*)

**xix.** An Act to enable the Cathcart District Railway Company to raise further money and to create and issue debenture stock and the Caledonian Railway Company to subscribe or to take and hold such stock or to advance to the Company by way of loan and for other purposes. (*Cathcart District Railway.*)

**xx.** An Act for the granting of further powers to the Derby Gaslight and Coke Company. (*Derby Gas.*)

**xxi.** An Act to revive the powers and extend the period for the Compulsory Purchase of Lands and to extend the period for the Completion of the Railway authorised by the Bray and Enniskerry Light Railway Act 1886 and to confer additional powers on the Company with reference to their Capital and Railway and for other purposes. (*Bray and Enniskerry Railway.*)

**xxii.** An Act for enabling the Trustees of Port Glasgow Harbour to convert their Mortgage Debt into Debenture Stock; for altering the Constitution of the Trust; and for other purposes. (*Port Glasgow Harbour.*)

**xxiii.** An Act for conferring further Powers on the Belfast and Northern Counties Railway Company and for amalgamating with their Undertaking the Undertaking of the Carrickfergus and Larne Railway Company; and for other purposes. (*Belfast and Northern Counties Railway.*)

**xxiv.** An Act to authorise the London Tramways Company (Limited) to use mechanical power on their Tramways and for other purposes. (*London Tramways Company (Limited).*)

**xxv.** An Act to extend the time for the purchase of Lands for and for the completion of the Wrexham and Ellesmere Railway and for other purposes. (*Wrexham and Ellesmere Railway (Extension of Time).*)

**xxvi.** An Act for the Abandonment of the Llangammarch and Neath and Brecon Junction Railway. (*Llangammarch and Neath and Brecon Junction Railway (Abandonment).*)

**xxvii.** An Act to enable the Canterbury Gas and Water Company to acquire further land to erect additional gasworks and to raise further capital for their Gas and Water undertakings and for other purposes. (*Canterbury Gas and Water.*)

**xxviii.** An Act for consolidating the separate Funds of the Tyne Improvement Commissioners; and for amending the provisions of the Tyne Improvement Commission Act 1875 relating to the election of Commissioners and Auditor of the Tyne Improvement Acts relating to the levying and Collection

of Rates and Dues, and for empowering the Commissioners to establish a Superannuation Fund, and for other purposes. (*Tyne Improvement.*)

**xxix.** An Act to confer further powers upon the Gravesend and Milton Gaslight Company to extend their limits of supply and to enable them to raise additional capital and for other purposes. (*Gravesend Gas.*)

**xxx.** An Act to amend the Thames Valley Drainage Acts and for other purposes. (*Thames Valley Drainage.*)

**xxxi.** An Act to Revive and Extend the Powers of the Guiseley Yeadon and Rawdon Railway Company for the Purchase of Land and the Completion of their Railway and for other purposes. (*Guiseley Yeadon and Rawdon Railway.*)

**xxxii.** An Act to authorize the Luton Gas Company to raise additional Capital, and for other purposes. (*Luton Gas.*)

**xxxiii.** An Act for enabling the Great Southern and Western Railway Company to execute certain Works, to acquire additional Lands; to purchase or lease a portion of the Railway of the Dublin, Wicklow and Wexford Railway Company, to enter into working agreements with that Company and with the Mitchelstown and Fermoy Light Railway Company to purchase a portion of the Deep Water Quay at Queenstown; to raise further Capital; and for other purposes. (*Great Southern and Western Railway.*)

**xxxiv.** An Act for the Abandonment of the Burnley Clitheroe and Sabden Railway. (*Burnley, Clitheroe, and Sabden Railway (Abandonment).*)

**xxxv.** An Act to extend the time for the purchase of Lands for and for the completion of the Felixstowe and Bawdsey Ferry Railway and for other purposes. (*Felixstowe and Bawdsey Ferry Railway (Extension of Time).*)

**xxxvi.** An Act to extend the powers of the Mayor Aldermen and Burgesses of the County Borough of Leicester with respect to their supply of Water; and for other purposes. (*Leicester Corporation Waterworks.*)

ROYAL ASSENT, 9th June 1890.

**P. xxxvii.** An Act to confirm certain Provisional Orders made by the Board of Trade under the General Pier and Harbour Act, 1861, relating to Hastings, Helmsdale, Mullion, Rhyl (New), and Yarmouth (Great). (*Pier and Harbour Orders Confirmation (No. 1).*)

**xxxviii.** An Act to enable the Forth Bridge Railway Company to raise additional Capital and for other purposes. (*Forth Bridge Railway.*)

**xxxix.** An Act to confirm Modifications made by the Award of an Umpire in certain Agreements between the London Brighton and South Coast and South Eastern Railway Companies and the Extension of those Agreements. (*London Brighton and South Coast Railway (Agreements Confirmation).*)

**xl.** An Act to enable the Cornwall Minerals Railway Company to make a new Railway and for other purposes. (*Cornwall Minerals Railway.*)

**xli.** An Act to revive the powers for the compulsory purchase of lands for and to extend the time limited for the completion of the railways authorised by the East Usk Railway Act 1885 and for other purposes. (*East Usk Railway.*)

**xlii.** An Act to enable the Mayor Aldermen and Burgesses of the Borough of Preston to give effect to certain of the recommendations of the Interim Report of the Ribble Navigation Commission and to borrow Additional Moneys for the purposes of the Ribble Navigation and Preston Dock Undertaking and for other purposes. (*Ribble Navigation*)

ROYAL ASSENT, 4th July 1890.

**P. xliii.** An Act to confirm certain Provisional Orders of the Local Government Board under the Highways and Locomotives (Amendment) Act, 1878, relating to the Counties of Gloucester and Wilts. (*Local Government Board's Provisional Orders Confirmation (Highways).*)

**P. xliv.** An Act to confirm certain Provisional Orders of the Local Government Board relating to the Urban Sanitary Districts of Brighouse, Bromley, Burnley, Dover, Folkestone, Mountain Ash, and Trowbridge. (*Local Government Board's Provisional Orders Confirmation.*)

**xlv.** An Act for incorporating and conferring powers upon the Falmouth Gas Company. (*Falmouth Gas.*)

**xlvi.** An Act to authorise the use of mechanical power upon the Undertaking of the North Metropolitan Tramways Company and for other purposes. (*North Metropolitan Tramways.*)

**xlvii.** An Act to provide Open Spaces and Recreation Grounds in the Parishes of Broxborne and Hoddesdon in the county of Hertford and to declare and define the rights of way through the Broxbornebury Estate; and for other purposes. (*Broxborne and Hoddesdon Open Spaces and Recreation Grounds.*)

**xlviii.** An Act for the Abandonment of the Kenmare Junction Railway. (*Kenmare Junction Railway (Abandonment).*)

**xlix.** An Act to facilitate the winding up of the Cadogan and Hans Place Estate Limited and the distribution of the assets thereof. (*Cadogan and Hans Place Estate (Limited).*)

**l.** An Act to enable Logan and Company of Birkenhead to issue Transferable Certificates and Warrants for the Delivery of Goods and for other purposes. (*Logan and Company's (Delivery Warrants).*)

**li.** An Act to enable Richardson and Company of Swansea to issue transferable Certificates and Warrants for the Delivery of Goods and for other purposes. (*Richardson and Company's (Delivery Warrants).*)

lii. An Act to authorise certain Improvements in the County Borough of Croydon and for other purposes. (*Croydon Improvement.*)

liii. An Act for authorising the London and South Western Railway Company to construct additional Works to purchase additional Lands and to abandon certain of their authorised Works to extend and revive the periods limited for the purchase of Lands for and for the completion of certain authorised Works of the Company to extend the Time for the sale of superfluous Lands of the Company to empower the Company to consolidate their Debenture Stocks and to make other provision with respect to the Capital of and to confer further powers upon the Company to empower the Company and the Midland Railway Company to widen the Somerset and Dorset Railway; and for other purposes. (*South Western Railway.*)

liv. An Act to empower the Corporation of Derby to make additional Waterworks and for other purposes. (*Derby Corporation.*)

lv. An Act to enable the Mayor Aldermen and Burgesses of the County borough of Huddersfield to construct additional Tramways and Street and Road Improvements and to make further Provision for the good government of the Borough and for other purposes. (*Huddersfield Tramways and Improvement.*)

lvi. An Act for extending and reviving the powers of the Hull Barnsley and West Riding Junction Railway and Dock Company for the purchase of lands for and for the construction of certain of their authorised works for the abandonment of one of their authorised railways and for conferring further powers upon the Company and amending the Acts relating to them. (*Hull Barnsley and West Riding Junction Railway and Dock.*)

lvii. An Act to enable the Barry Dock and Railways Company to construct new Works and to purchase Additional Lands and for other purposes. (*Barry Dock and Railways.*)

lviii. An Act to authorise the Glasgow Court Houses Commissioners to acquire additional land and buildings for enlarging and improving the Sheriff and Justice of Peace Court Houses, in the City of Glasgow, and to borrow money; and for other purposes. (*Glasgow Court Houses.*)

lix. An Act to extend the time for the purchase of Lands and for the completion of certain portions of the Undertaking of the Wirral Railway Company by the Manchester Sheffield and Lincolnshire and Wrexham Mold and Connah's Quay Railway Companies and for other purposes. (*Wirral Railway.*)

lx. An Act to confer further powers on the Highland Railway Company; and for other purposes. (*Highland Railway (Further Powers).*)

lxi. An Act to authorise the Highland Railway Company to construct new lines of Railways; and for other purposes. (*Highland Railway (New Lines).*)

**lxii.** An Act to incorporate a Company to purchase and acquire the Undertaking of the Brighton West Pier Company to authorise the widening and extension of the Brighton West Pier and for other purposes. (*Brighton West Pier.*)

**lxiii.** An Act to authorise the Mayor Aldermen and Burgesses of the Borough of Accrington to create and issue Corporation Stock and to make further provision for the government of the Borough and for other purposes. (*Accrington Corporation (Consolidation of Loans).*)

**lxiv.** An Act for conferring further powers on the Liverpool Hydraulic Power Company and for other purposes. (*Liverpool Hydraulic Power.*)

**lxv.** An Act for dissolving the Mid-Sussex Water Company Limited and re-incorporating the Members thereof with others and for enabling them to construct and maintain additional Waterworks and supply Water and for other purposes. (*Mid-Sussex Water.*)

**lxvi.** An Act for conferring further powers on the Ipswich Tramways Company. (*Ipswich Tramways.*)

**lxvii.** An Act to extend the time for the construction of certain works authorised by the Borough of Portsmouth Waterworks Act 1883. (*Borough of Portsmouth Waterworks.*)

**lxviii.** An Act to extend the limits of Water Supply of the Pontypool Gas and Water Company to enable them to construct additional Waterworks and to raise further Capital and for other purposes. (*Pontypool Gas and Water.*)

**lxix.** An Act to authorise the Corporation of Bury to construct a connecting Railway between their Gasworks and the Lancashire and Yorkshire Railway and for other purposes. (*Bury Corporation Gas.*)

**lxx.** An Act to extend the time for the completion of the Railways authorised by the North Wales Narrow Gauge Railways (Extensions) Act 1885; and for other purposes. (*North Wales Narrow Gauge Railways.*)

**lxxi.** An Act to renew and extend the time for the completion of certain authorised Railways of the Seacombe Hoylake and Deeside Railway Company; and for other purposes. (*Seacombe Hoylake and Deeside Railway.*)

**lxxii.** An Act to authorise the North British Railway Company to construct a Loop Line of Railway to join the Forth Bridge Railway; to subscribe to the Undertaking of the West Highland Railway Company; and for other purposes. (*North British Railway.*)

**lxxiii.** An Act to confer further powers on the Isle of Wight Central Railway Company; and for other purposes. (*Isle of Wight Central Railway.*)

**lxxiv.** An Act to alter certain works authorised by the Manchester Ship Canal Act 1885; and for other purposes. (*Manchester Ship Canal (Tidal Openings &c.).*)

**lxxv.** An Act to confer further powers upon the Milford Docks Company and for other purposes. (*Milford Docks.*)

**lxxvi.** An Act to amalgamate the Midland Great Western Railway of Ireland Company with the Great Northern and Western (of Ireland) Railway Company; to acquire additional Land; and for other purposes. (*Midland Great Western and Great Northern and Western of Ireland Railways (Amalgamation).*)

**P. lxxvii.** An Act to confirm a Provisional Order made by one of Her Majesty's Principal Secretaries of State under the Metropolitan Police Act, 1886, relating to Lands in the Parishes of St. George Hanover Square and Fulham. (*Metropolitan Police Provisional Order Confirmation.*)

**P. lxxviii.** An Act to confirm a Provisional Order for the Regulation of Cleeve Hill Common, situate in the parish of Bishop's Cleeve, in the county of Gloucester, in pursuance of a report from the Board of Agriculture. (*Commons Regulation (Cleeve) Provisional Order Confirmation.*)

**P. lxxix.** An Act to provide for the division of the Vicarage of Kew and Petersham into two distinct Vicarages. (*Kew and Petersham Vicarage.*)

**P. lxxx.** An Act to confirm an Order of the Local Government Board under the provisions of the Public Health Act, 1875, as amended by the Public Health (Ships, &c.) Act, 1885, relating to the Port of Colchester (Maldon Division). (*Local Government Board's Provisional Order Confirmation (Port).*)

**P. lxxxi.** An Act to confirm certain Provisional Orders of the Local Government Board relating to the Urban Sanitary Districts of Cambridge, Cheadle and Gatley, Portsmouth, and Ramsbottom, and to the Rural Sanitary Districts of the Belper, Bishop Stortford, Tynemouth, and Watford Unions. (*Local Government Board's Provisional Orders Confirmation (No. 2).*)

**P. lxxxii.** An Act to confirm certain Provisional Orders of the Local Government Board relating to the Urban Sanitary Districts of Batley, Croydon, Halifax, Milford, Ogmore and Garw, and Portsmouth. (*Local Government Board's Provisional Orders Confirmation (No. 3).*)

**P. lxxxiii.** An Act to confirm certain Provisional Orders of the Local Government Board relating to the Urban Sanitary Districts of Manchester and Stockport. (*Local Government Board's Provisional Orders Confirmation (No. 4).*)

**P. lxxxiv.** An Act to confirm certain Provisional Orders of the Local Government Board relating to the Urban Sanitary Districts of Bolton, Colne and Marsden, Leicester, Neath, Rotherham, Soothill Nether, Southampton, and Sutton (Surrey). (*Local Government Board's Provisional Orders Confirmation (No. 5).*)

**P. lxxxv.** An Act to confirm certain Provisional Orders of the Local Government Board relating to the Urban Sanitary Districts of Blackpool, Leeds, Southport, Street, and Twickenham, and to the Haslingden and Rawtenstall Outfall Sewerage District. (*Local Government Board's Provisional Orders Confirmation (No. 7).*)

**P. lxxxvi.** An Act to confirm a Provisional Order of the Local Government Board for Ireland relating to Waterworks in the Town of Downpatrick. (*Local Government Board (Ireland) Provisional Order Confirmation (Downpatrick Waterworks).*)

**P. lxxxvii.** An Act to confirm a Provisional Order of the Local Government Board for Ireland relating to additional Waterworks and Improvement of Streets in the Town of Bangor. (*Local Government Board (Ireland) Provisional Order Confirmation (Bangor).*)

**P. lxxxviii.** An Act to confirm a Provisional Order of the Local Government Board for Ireland relating to Waterworks in the Town of Dungarvan. (*Local Government Board (Ireland) Provisional Order Confirmation (Dungarvan Waterworks).*)

**P. lxxxix.** An Act to confirm a Provisional Order of the Local Government Board for Ireland relating to Waterworks in the Town of Foynes. (*Local Government Board (Ireland) Provisional Order Confirmation (Foynes Waterworks).*)

**P. xc.** An Act to confirm a Provisional Order of the Local Government Board for Ireland relating to the Drumcondra, Clonliffe, and Glasnevin Township. (*Local Government Board (Ireland) Provisional Order Confirmation (Drumcondra, Clonliffe, and Glasnevin).*)

**P. xci.** An Act to confirm a Provisional Order of the Local Government Board for Ireland relating to Part of Belfast Union and Holywood Town United District. (*Local Government Board (Ireland) Provisional Order Confirmation (Belfast Union and Holywood Town).*)

**P. xcii.** An Act to confirm a Provisional Order of the Local Government Board for Ireland relating to Wexford. (*Local Government Board (Ireland) Provisional Order Confirmation (Wexford).*)

**P. xciii.** An Act to confirm a Provisional Order made by the County Council of Somerset under the Allotments Act, 1887, relating to the Parish of Wedmore in the Rural Sanitary District of the Axbridge Union. (*Allotments Provisional Order Confirmation.*)

**P. xciv.** An Act to confirm a Provisional Order of the Local Government Board under the provisions of the Artizans and Labourers Dwellings Improvement Acts, 1875 to 1885, relating to the City of Manchester. (*Local Government Board's Provisional Order Confirmation (Artizans and Labourers Dwellings).*)

**P. xcv.** An Act to confirm a Provisional Order of the Local Government Board under the provisions of the Gas and Water Works Facilities Act, 1870, and the Public Health Act, 1875, relating to the Local Government District of Burley in Wharfedale. (*Local Government Board's Provisional Order Confirmation (Gas).*)

**P. xcvi.** An Act to repeal the Act two and three Edward the Sixth chapter fifty-four (local), for the keeping of the Sessions and County Days of the Isle of Anglesey in Beaumaris. (*Anglesey Act Repeal.*)

ROYAL ASSENT, 25th July 1890.

**P. xcvii.** An Act to confirm certain Provisional Orders made by the Board of Trade under the General Pier and Harbour Act, 1861, relating to Criccieth, Gloucester, Humber, and Penzance. (*Pier and Harbour Orders Confirmation* (*No.* 3).)

**P. xcviii.** An Act to confirm a Provisional Order made by the Board of Trade under the General Pier and Harbour Act, 1861, relating to Saint Mary's (Scilly). (*Pier and Harbour Order Confirmation* (*No.* 4).)

**P. xcix.** An Act to confirm certain Provisional Orders made by the Board of Trade under the Gas and Water Works Facilities Act, 1870, relating to Huntingdon and Godmanchester Gas, Llandrindod Water Gas, Studley Gas, and Wellingborough Gas. (*Gas Orders Confirmation* (*No.* 2).)

**P. c.** An Act to confirm certain Provisional Orders made by the Board of Trade under the Gas and Water Works Facilities Act, 1870, relating to Caton Water, Mid Kent Water, Stockport District Water, and Todmorden Water. (*Water Orders Confirmation* (*No.* 1).)

**P. ci.** An Act to confirm certain Provisional Orders made by the Board of Trade under the Gas and Water Works Facilities Act, 1870, relating to Camborne Water, Frith Hill, Godalming, and Farncombe Water, Leatherhead and District Water, and Usk Water. (*Water Orders Confirmation* (*No.* 2).)

**P. cii.** An Act to confirm a Provisional Order made by the Education Department under the Elementary Education Act, 1870, to enable the School Board for London to put in force the Lands Clauses Consolidation Act, 1845, and the Acts amending the same. (*Education Department Provisional Order Confirmation* (*London*).)

**P. ciii.** An Act to confirm a Provisional Order made by the Education Department under the Elementary Education Act, 1870, to enable the School Board for West Ham to put in force the Lands Clauses Consolidation Act, 1845, and the Acts amending the same. (*Education Department Provisional Order Confirmation* (*West Ham*).)

**civ.** An Act to confer further Powers upon the Great Northern Railway Company with respect to their own and other Undertakings to enable them to acquire the Undertaking of the Spilsby and Firsby Railway Company and for other Purposes. (*Great Northern Railway* (*Various Powers*).)

**cv.** An Act to vest in the Corporation of Belfast the White Linen Hall and surrounding land connected therewith and to provide for the adjustment of certain accounts relative to the Cemetery. (*Belfast Corporation* (*Various Powers*).)

**cvi.** An Act for the granting of further Powers to the Newcastle and Gateshead Water Company; and for other purposes. (*Newcastle and Gateshead Waterworks.*)

**cvii.** An Act for incorporating the Higham and Hundred of Hoo Water Company and empowering them to construct Works and supply Water and for other purposes. (*Higham and Hundred of Hoo Water.*)

**cviii.** An Act for conferring further powers upon the Great Eastern Railway Company and for extending the time and reviving the powers for the compulsory purchase of lands for and for the construction and completion of certain authorised works of the Company and for other purposes. (*Great Eastern Railway* (*General Powers*).)

**cix.** An Act to enable the Mayor, Aldermen, and Burgesses of the City of Bristol to construct Culverts and other Works for the Relief of the Floods in the River Frome and in the Malago Brook and for other purposes. (*Bristol Floods Prevention.*)

**cx.** An Act to make provision for assigning Interim Bonus and for discontinuance of Sickness Assurances by the Clergy Mutual Assurance Society and as to the investment of Moneys of and conferring further Powers on the Society; and for other purposes. (*Clergy Mutual Assurance Society.*)

**cxi.** An Act to extend the time for the completion of certain authorised Works by the Alexandra (Newport and South Wales) Docks and Railway Company to confer further powers on that Company and for other purposes. (*Alexandra* (*Newport and South Wales*) *Docks and Railway.*)

**cxii.** An Act to revive the Powers and extend the Periods for the compulsory Purchase of Lands and for the construction of so much of the Railways authorised by the Easton and Church Hope Railway (Portland Extension) Act 1884 as has not been abandoned under the authority of the Easton and Church Hope Railway Act 1887 and for other Purposes. (*Easton and Church Hope Railway.*)

**cxiii.** An Act to extend the Powers of the Porthdinlleyn Railway Company for the acquisition of Lands for and the completion of their authorised Railway and for other purposes. (*Porthdinlleyn Railway.*)

**cxiv.** An Act to empower the City of London and Southwark Subway Company to extend their authorised Subway to Clapham to change the name of the Company and for other purposes. (*City and South London Railway.*)

**cxv.** An Act to vest in the Mayor Aldermen and Burgesses of the County Borough of Huddersfield the Undertaking of the Wessenden Commissioners and to authorise the said Mayor Aldermen and Burgesses to construct additional Waterworks and for other purposes. (*Huddersfield Corporation Waterworks.*)

**cxvi.** An Act for conferring further powers upon the Cheshire Lines Committee and for other purposes. (*Cheshire Lines.*)

**cxvii.** An Act to amend the Acts relating to the supply of water by the Stockton and Middlesbrough Water Board and to confer further powers on the said board and for other purposes. (*Stockton and Middlesbrough Waterworks.*)

**cxviii.** An Act to empower the West Highland Railway Company to deviate certain parts of their authorised railway and to construct new railways and a pier in connection therewith to raise further capital and for other purposes. (*West Highland Railway.*)

**cxix.** An Act to enable the London Chatham and Dover Railway Company to raise further capital. (*London Chatham and Dover Railway* (*Capital*).)

**cxx.** An Act to authorise the construction of a Railway in the County of Forfar to be called the Brechin and Edzell District Railway. (*Brechin and Edzell District Railway.*)

**cxxi.** An Act to make better provision for the improvement and health of the local government district of Wallasey in the County of Chester and for other purposes. (*Wallasey Local Board.*)

**cxxii.** An Act for incorporating the Crieff and Comrie Railway Company and for authorising the construction of a Railway from Crieff to Comrie in the County of Perth and for other purposes. (*Crieff and Comrie Railway.*)

**cxxiii.** An Act for vesting the endowments of the Rectory of Burnley in the County Palatine of Lancaster in the Ecclesiastical Commissioners for England and providing for the re-endowment of the said Rectory and for the endowment of other benefices and for transferring the patronage of the said Rectory to the Bishop of Manchester and for other Ecclesiastical purposes. (*Burnley Rectory.*)

**cxxiv.** An Act to amend an Act made in the nineteenth year of the reign of His Majesty King George the Third, chapter twenty, and another Act made in the fifty-fourth year of the reign of His said Majesty, chapter one hundred and sixty-nine, for the better raising and securing a Fund for a provision for the Widows and Children of the Ministers of the Church of Scotland, and of the Heads, Principals and Masters in the Universities of Saint Andrews, Glasgow, Edinburgh and Aberdeen; and for other purposes. (*Church of Scotland Ministers' Widows' Fund.*)

**cxxv.** An Act to authorise the improvement of certain Streets in the town of Pontypridd in the county of Glamorgan and for other purposes. (*Pontypridd* (*Mill Street and Rhondda Road, &c.*) *Improvements.*)

**cxxvi.** An Act to revive and extend the Powers for the purchase of Lands and also to extend the time for the completion of the Harbour and Dock authorised by the North Sea Fisheries (East Lincolnshire) Harbour and Dock Act 1884 and for other purposes. (*North Sea Fisheries* (*East Lincolnshire*) *Harbour and Dock.*)

**cxxvii.** An Act for the abandonment of parts and extension of time for the compulsory purchase of lands for and for the completion of other parts of the authorised Railways of the East and West Yorkshire Union Railways Company and for other purposes. (*East and West Yorkshire Union Railways.*)

**cxxviii.** An Act for conferring further powers upon the Metropolitan Railway Company in relation to their own and other undertakings for vesting in them the Undertaking of the Aylesbury and Buckingham Railway Company and for authorising Agreements with other Railway Companies and for other purposes. (*Metropolitan Railway.*)

**cxxix.** An Act for enabling the North Eastern Railway Company to make new Railways and Works and to acquire additional Lands and for other purposes. (*North Eastern Railway.*)

**cxxx.** An Act to extend the boundaries of the Borough of Walsall to make better provision for the health local government and improvement of the Borough to provide for the creation and issue of Corporation stock and for other purposes. (*Walsall Corporation.*)

**cxxxi.** An Act for enabling the Caledonian Railway Company to make and maintain certain Railways and other works and take lands in the Counties of Lanark and Midlothian and to raise additional money for confirming certain agreements and for other purposes. (*Caledonian Railway (Additional Powers).*)

**cxxxii.** An Act to extend the time limited for the completion of the works authorised by the Weston-super-Mare Clevedon and Portishead Tramways Act 1885 and for other purposes. (*Weston-super-Mare, Clevedon, and Portishead Tramways.*)

**cxxxiii.** An Act to authorise the Rhymney Railway Company to make new Railways to raise additional Capital and for other purposes. (*Rhymney Railway.*)

**cxxxiv.** An Act for authorising the London and South Western Railway Company to create Preferred Converted Ordinary Stock and Deferred Converted Ordinary Stock in substitution for existing Ordinary Stock and for other purposes. (*South Western Railway (Stock Conversion).*)

**cxxxv.** An Act for authorising the Caledonian Railway Company to convert their Ordinary Stock into Preferred Converted Ordinary Stock and Deferred Converted Ordinary Stock and for other purposes. (*Caledonian Railway. (Conversion of Stock).*)

**cxxxvi.** An Act to authorise the Manchester Sheffield and Lincolnshire Railway Company to make new Railways to confer further powers on the Company in connection with their Undertaking and for other purposes. (*Manchester, Sheffield, and Lincolnshire Railway.*)

**cxxxvii.** An Act to confer further powers on the Isle of Wight Railway Company to consolidate and re-arrange the capital of that Company and for other purposes. (*Isle of Wight Railway.*)

**cxxxviii.** An Act to confer additional powers upon the Midland Railway Company and upon that Company and the Great Northern and London and North Western Railway Companies respectively for the construction of works and the acquisition of lands for vesting in the Midland Railway Company and the

Great Western Railway Company the Undertaking and powers of the Bristol Port Railway and Pier Company and for other purposes. (*Midland Railway (Additional Powers).*)

**cxxxix.** An Act for authorising the transfer to the Bute Docks Company of the powers of making railways and other powers conferred by the Rhymney Railway Act 1888 and for other purposes. (*Bute Docks.*)

**cxl.** An Act to empower the Taff Vale Railway Company to construct New Railways and for other purposes. (*Taff Vale Railway.*)

**cxli.** An Act to provide for the Revision of the Lists of Parliamentary Voters in the Parliamentary Borough of Belfast, and the Payment of the Expenses thereof. (*Belfast Parliamentary Borough Registration.*)

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**cxlii.** An Act to enable the Elgin and Lossiemouth Harbour Company to deepen and improve Lossiemouth Harbour to raise further moneys and for other purposes. (*Elgin and Lossiemouth Harbour (Loans).*)

**cxliii.** An Act for the incorporation of Commissioners and for the construction of Harbour Piers and other Works at Hastings in the County of Sussex and for other purposes. (*Hastings Harbour.*)

**cxliv.** An Act to amend the Acts relating to the Port or Harbour of Newport in the County of Monmouth and for incorporating and conferring further powers upon the Newport Harbour Commissioners and for other purposes. (*Newport (Monmouthshire) Harbour.*)

**cxlv.** An Act to authorise the Rhondda and Swansea Bay Railway Company to construct new Railways and other works and to confer further powers upon that Company and for other purposes. (*Rhondda and Swansea Bay Railway.*)

**cxlvi.** An Act for incorporating the Wharfe River Navigation Company and empowering them to make the waterway of the River Wharfe navigable between Tadcaster and the River Ouse in the West Riding of the County of York and for other purposes. (*Wharfe River Navigation.*)

**cxlvii.** An Act to empower the Folkestone Pier and Lift Company to raise further Capital and for other purposes. (*Folkestone Pier and Lift.*)

**cxlviii.** An Act to confer further powers on the London Brighton and South Coast Railway Company and for other purposes. (*London, Brighton, and South Coast Railway (Various Powers).*)

**cxlix.** An Act for conferring further Powers upon the South Eastern Railway Company in connexion with their own undertaking and those of other Companies and for other purposes (*South Eastern Railway.*)

**cl.** An Act to extend the time limited by the Dewsbury and Heckmondwike Waterworks Act 1876 for the construction of certain reservoirs and works thereby authorised and to extend the powers of the Dewsbury and Heckmondwike Waterworks Board the Corporation of Dewsbury and the Heckmondwike Local Board and for other purposes. (*Dewsbury and Heckmondwike Water.*)

**cli.** An Act to empower the Corporation of Morley in the West Riding of the County of York to make additional waterworks and for other purposes. (*Morley Corporation Water.*)

**clii.** An Act to authorise the Corporation of Glasgow to make and maintain River Walls or Embankments on the River Clyde and for other purposes. (*Glasgow Corporation.*)

**cliii.** An Act for re-arranging the Capital of the Great Northern Railway Company and for other purposes. (*Great Northern Railway (Capital).*)

**cliv.** An Act for conferring further powers upon the London and North Western Railway Company in relation to their own Undertaking and other Undertakings in which they are interested jointly with other Companies and also for conferring Powers upon the Great Western and Manchester Sheffield and Lincolnshire Railway Companies in relation to such other Undertakings and for other purposes. (*London and North Western Railway.*)

**clv.** An Act for further improving the Navigation of the River Severn for conferring additional powers on the Severn Commissioners and for other purposes. (*Severn Navigation.*)

**clvi.** An Act to authorise the Trustees of the Clyde Navigation to construct a new Road with Tramways thereon in part substitution for certain Roads and Tramways authorised by the Clyde Navigation Act 1883 to construct a Graving Dock to abandon some of the works authorised by that Act to revive and extend the period limited by that Act for the compulsory purchase of lands and to extend the period limited for the completion of the Railway authorised thereby to vary a certain Agreement with and relative obligation to the Vale of Clyde Tramways Company and for other purposes. (*Clyde Navigation.*)

**clvii.** An Act for conferring further Powers on the Lancashire and Yorkshire Railway Company and for other purposes. (*Lancashire and Yorkshire Railway.*)

**clviii.** An Act to authorise the construction of Railways between Tottenham and Forest Gate and for other purposes. (*Tottenham and Forest Gate Railway.*)

**clix.** An Act for conferring further powers upon the Great Western Railway Company for vesting in that Company the undertakings of the Whitland and Cardigan the East Gloucestershire and the Witney Railway Companies for confirming an Agreement with the Woodstock Railway Company and for other purposes. (*Great Western Railway.*)

**clx.** An Act to enable the Ystrad Gas and Water Company to construct additional Waterworks to purchase additional lands for their Gas and Water Undertakings and for other purposes. (*Ystrad Gas and Water Works.*)

**clxi.** An Act to enable the Commissioners of the Bray Township to construct an addition to the Sea-Wall a Promenade Pier and Harbour and other Works and to consolidate their Debt and issue Debenture Stock and for other purposes. (*Bray Township.*)

**clxii.** An Act for making Subways in the City and Suburbs of Glasgow; and for other purposes. (*Glasgow District Subway.*)

**clxiii.** An Act to extend the time for the purchase of land and for the completion of certain Railways in Liverpool and Birkenhead and to confer further Powers on the Mersey Railway Company and for other purposes. (*Mersey Railway.*)

**clxiv.** An Act for incorporating and conferring powers on the Penzance and Newlyn Tramways Company and for further purposes. (*Penzance and Newlyn Tramways.*)

**clxv.** An Act to provide for the Union of the Benefices of Saint Anne and Saint Mary both in the City of Manchester; and for other purposes. (*Saint Anne and Saint Mary Manchester* (*Union of Benefices*).)

**clxvi.** An Act to incorporate the Forfar and Brechin Railway Company and to empower them to construct Railways in the County of Forfar and for other purposes. (*Forfar and Brechin Railway.*)

**clxvii.** An Act for enabling the Caledonian Railway Company to make and maintain certain Railways extending their Undertaking in Edinburgh Leith and Newhaven and other Works in the County of Midlothian and to raise additional money and for other purposes. (*Caledonian Railway* (*Edinburgh, Leith, and Newhaven Extension Lines*).)

**clxviii.** An Act to authorise the Kirkcaldy and District Railway Company to extend their railways and for other purposes. (*Kirkcaldy and District Railway.*)

**clxix.** An Act for amending the provisions of certain Local Acts in force in the City of Liverpool and for other purposes. (*Liverpool Corporation.*)

**clxx.** An Act to extend the time for completing the Manchester Middleton and District Tramways. (*Manchester, Middleton, and District Tramways.*)

**clxxi.** An Act to authorise and provide for certain Sea Defence Works and Improvements at and near Walton-on-the-Naze in the county of Essex to re-constitute the Walton Improvement Commissioners and make provision for their Election and to enlarge their powers and for other purposes. (*Walton-on-the-Naze Improvement.*)

**clxxii.** An Act to extend the Objects and enlarge the Powers of the Commercial Union Assurance Company Limited and for other purposes. (*Commercial Union Assurance Company* (*Limited*).)

**clxxiii.** An Act to define and extend the objects of the Patriotic Assurance Company of Ireland and for other purposes. (*Patriotic Assurance Company's.*)

**P. clxxiv.** An Act to confirm a Provisional Order of the Local Government Board under the provisions of the Poor Law Amendment Act, 1867, relating to the Hundred of Mutford and Lothingland. (*Local Government Board's Provisional Order Confirmation* (*Poor Law*).)

**P. clxxv.** An Act to confirm a Provisional Order of the Local Government Board under the provisions of the Artizans and Labourers Dwellings Improvement Acts, 1875 to 1885, relating to the Borough of Brighton. (*Local Government Board's Provisional Order Confirmation* (*Artizans' and Labourers' Dwellings*) (*No.* 2).)

**P. clxxvi.** An Act to confirm a Provisional Order of the Local Government Board relating to the Isles of Scilly. (*Local Government Board's Provisional Order Confirmation* (*No.* 6).)

**P. clxxvii.** An Act to confirm certain Provisional Orders of the Local Government Board relating to the Boroughs of Cardiff and Leeds. (*Local Government Board's Provisional Orders Confirmation* (*No.* 8).)

**P. clxxviii.** An Act to confirm certain Provisional Orders of the Local Government Board relating to the Boroughs of Abingdon, Canterbury, and Lowestoft. (*Local Government Board's Provisional Orders Confirmation* (*No.* 9).)

**P. clxxix.** An Act to confirm certain Provisional Orders of the Local Government Board relating to the Urban Sanitary Districts of Bacup, Blackburn, Bournemouth, Burnley, Criccieth, and Nelson, and to the Godalming Main Sewerage District. (*Local Government Board's Provisional Orders Confirmation* (*No.* 10).)

**P. clxxx.** An Act to confirm certain Provisional Orders of the Local Government Board relating to the Urban Sanitary Districts of Chorley and Middleton. (*Local Government Board's Provisional Orders Confirmation* (*No.* 12).)

**P. clxxxi.** An Act to confirm certain Provisional Orders made by the Board of Trade under the Tramways Act, 1870, relating to Bradford Corporation Tramways, Drypool and Marfleet Steam Tramways, Dudley, Netherton, Old Hill, and Cradley Tramways National Rifle Association (Bisley Common) Tramway, Norwich Tramways, Tong Local Board Tramway, and Worcester Tramways. (*Tramways Orders Confirmation* (*No.* 1).)

**P. clxxxii.** An Act to confirm certain Provisional Orders made by the Board of Trade under the Tramways Act, 1870, relating to Bradford and District Tramways (Extension), Lea Bridge, Leyton, and Walthamstow Tramways, Poole and Bournemouth Tramways, and Warboys and Puddock Drove Tramway. (*Tramways Orders Confirmation* (*No.* 2).)

**P. clxxxiii.** An Act to confirm certain Provisional Orders made by the Board of Trade under the Gas and Water Works Facilities Act, 1870, relating to Barnoldswick Gas, Hollingworth Gas, Ware Gas, and Aldershot Gas and Water. (*Gas and Water Orders Confirmation.*)

**P. clxxxiv.** An Act to confirm a Scheme of the Charity Commissioners for the Charity known as "The Wesleyan Methodist "Chapel, School-house, Dwelling-house (or Preacher's Re-"sidence), and Trust Property," in the parish of Birstall, in the West Riding of the county of York. (*Birstall Wesleyan Chapel Trust Scheme Confirmation.*)

**P. clxxxv.** An Act to make further provision concerning certain portions of the Shrewsbury and Holyhead Road. (*Shrewsbury and Holyhead Road (Anglesey and Carnarvon).*)

**P. clxxxvi.** An Act to confirm certain Provisional Orders made by the Board of Trade under the Electric Lighting Acts, 1882 and 1888, relating to Cambridge, Dover, Hove, Walsall, Wolverhampton, and Worcester. (*Electric Lighting Orders Confirmation.*)

**P. clxxxvii.** An Act to confirm certain Provisional Orders made by the Board of Trade under the Electric Lighting Acts, 1882 and 1888, relating to Burnley, Bury, Chester, Fleetwood, Lancaster, and Salford. (*Electric Lighting Orders Confirmation (No. 2).*)

**P. clxxxviii.** An Act to confirm certain Provisional Orders made by the Board of Trade under the Electric Lighting Acts, 1882 and 1888, relating to Bacup, Bedford, Huddersfield, Malvern, Oldham, and Stockton-on-Tees. (*Electric Lighting Orders Confirmation (No. 3).*)

**P. clxxxix.** An Act to confirm certain Provisional Orders made by the Board of Trade under the Electric Lighting Acts, 1882 and 1888, relating to Accrington, Barnsley, Blackpool, Burton-on-Trent, Cheltenham, and Darlington. (*Electric Lighting Orders Confirmation (No. 4).*)

**P. cxc.** An Act to confirm certain Provisional Orders made by the Board of Trade under the Electric Lighting Acts, 1882 and 1888, relating to Bournemouth, Derby, Hastings and St. Leonards-on-Sea, Oxford, Portsmouth, and Woking. (*Electric Lighting Orders Confirmation (No. 5).*)

**P. cxci.** An Act to confirm certain Provisional Orders made by the Board of Trade under the Electric Lighting Acts, 1882 and 1888, relating to Birkenhead, Great Yarmouth, Kingston-upon-Hull, Nottingham, Wigan, and York. (*Electric Lighting Orders Confirmation (No. 6).*)

**P. cxcii.** An Act to confirm certain Provisional Orders made by the Board of Trade under the Electric Lighting Acts, 1882 and 1888, relating to Belfast, Blackburn Leicester, Morecambe, Sevenoaks, and Tunstall. (*Electric Lighting Orders Confirmation (No. 7).*)

**P. cxciii.** An Act to confirm certain Provisional Orders made by the Board of Trade under the Electric Lighting Acts, 1882

and 1888, relating to Ayr, Bognor, Eastbourne, Galway, Stafford, and Tiverton. (*Electric Lighting Orders Confirmation* (*No.* 8).)

**P. cxciv.** An Act to confirm certain Provisional Orders made by the Board of Trade under the Electric Lighting Acts, 1882 and 1888, relating to Lambeth, North London, St. James', Westminster, St. George the Martyr, Southwark, and a portion of the parish of Camberwell, and Wandsworth District. (*Electric Lighting Orders Confirmation* (*No.* 9).)

**P. cxcv.** An Act to confirm certain Provisional Orders made by the Board of Trade under the Electric Lighting Acts, 1882 and 1888, relating to Preston, and Preston and Fulwood. (*Electric Lighting Orders Confirmation* (*No.* 13).)

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**P. cxcvi.** An Act to confirm certain Provisional Orders made by the Board of Trade under the Electric Lighting Acts, 1882 and 1888, relating to Ashton-under-Lyne, Bournemouth, Coatbridge, Hastings, Northampton, and Windsor. (*Electric Lighting Orders Confirmation* (*No.* 10).)

**P. cxcvii.** An Act to confirm certain Provisional Orders made by the Board of Trade under the Electric Lighting Acts, 1882 and 1888, relating to Chatham, Rochester and District, Manchester, Plymouth, and Wrexham. (*Electric Lighting Orders Confirmation* (*No.* 11).)

**P. cxcviii.** An Act to confirm certain Provisional Orders made by the Board of Trade under the Electric Lighting Acts, 1882 and 1888, relating to Crystal Palace and District and Paddington. (*Electric Lighting Orders Confirmation* (*No.* 12).)

**P. cxcix.** An Act to confirm certain Provisional Orders made by the Board of Trade under the Electric Lighting Acts, 1882 and 1888, relating to Aberdeen, Dundee, Glasgow, Kelvinside, and Moss Side and Stretford. (*Electric Lighting Orders Confirmation* (*No.* 14).)

**cc.** An Act to revive the powers and further extend the time for the compulsory purchase of lands for and to further extend the time for the completion of the works authorised by the Regent's Canal, City and Docks Railway Act 1882 and for other purposes. (*Regent's Canal, City, and Docks Railway* (*Extension of Time, &c.*).)

**cci.** An Act to revive and extend the Powers of the Cleveland Extension Mineral Railway Company. (*Cleveland Extension Mineral Railway.*)

**P. ccii.** An Act to confirm certain Provisional Orders of the Local Government Board relating to the City of Coventry and the Borough of Great Yarmouth. (*Local Government Board's Provisional Orders Confirmation* (*No.* 13).)

**P. cciii.** An Act to confirm a Provisional Order of the Local Government Board relating to the Borough of Kingston-upon-Hull. (*Local Government Board's Provisional Order Confirmation* (*No.* 14).)

**P. cciv.** An Act to confirm certain Provisional Orders of the Local Government Board relating to the Boroughs of Grimsby and Huddersfield. (*Local Government Board's Provisional Orders Confirmation* (*No.* 15).)

**ccv.** An Act for amending the Westminster (Parliament Street &c.) Improvements Act 1887 and to extend the periods limited by that Act for the compulsory purchase of Lands for and for the completion of the Works thereby authorised. (*Westminster* (*Parliament Street, &c.*) *Improvements.*)

**P. ccvi.** An Act to confirm certain Provisional Orders made by the Board of Trade under the Gas and Water Works Facilities Act, 1870, relating to Alton (Hants) Gas, Hoylake and West Kirby Gas, Sheffield Gas, Tonbridge Gas, and York Town and Blackwater Gas. (*Gas Orders Confirmation* (*No.* 1).)

**P. ccvii.** An Act to confirm a Provisional Order made by the Board of Trade under the Merchant Shipping (Pilotage) Act, 1889, relating to Clyde. (*Pilotage Order Confirmation* (*No.* 1).)

**P. ccviii.** An Act to confirm a Provisional Order made by the Board of Trade under the Merchant Shipping (Pilotage) Act, 1889, relating to Bristol. (*Pilotage Order Confirmation* (*No.* 2).)

**P. ccix.** An Act to make better provision for the safety of the Public when the lands in or near Aldershot, vested in the Secretary of State for the War Department, are used for Rifle Ranges or other Military purposes. (*Aldershot Roads.*)

**P. ccx.** An Act to confirm an Order in Council of the Lord Lieutenant and Privy Council in Ireland relating to the South Clare Railways. (*Tramways Order in Council* (*Ireland*) (*South Clare Railways*) *Confirmation.*)

**ccxi.** An Act to confer powers on the Corporation of Plymouth for the acquisition of the Fish Market works and undertaking authorised by the Sutton Harbour Act 1889 and for other purposes. (*Plymouth Corporation.*)

**ccxii.** An Act to authorise the construction of a new Station at Cheltenham in the county of Gloucester and for other purposes. (*Cheltenham Station.*)

**ccxiii.** An Act to authorise the construction of Railways in the West Riding of the County of York, from Wrangbrook to Black Carr Junction, with a Branch to Denaby and for other purposes. (*South Yorkshire Junction Railway.*)

**ccxiv.** An Act for conferring further powers on the Wellingborough and District Tramroads Company and for other purposes. (*Wellingborough and District Tramroads.*)

**ccxv.** An Act for enabling the Atlas Steamship Company Limited to divide their fully paid up Share Capital and for other purposes. (*Atlas Steamship Company.*)

**ccxvi.** An Act to cancel the Deed of Settlement of the Borneo Company Limited and to substitute Memorandum and Articles of Association and for other purposes. (*Borneo Company (Limited).*)

**ccxvii.** An Act to authorise the Sutton Southcoates and Drypool Gas Company to accept from the Mayor Aldermen and Burgesses of the Borough of Kingston-upon-Hull a transfer of some of the powers contained in the Kingston-upon-Hull Electric Lighting Order 1890. (*Sutton, Southcoates, and Drypool Gas (Electric Lighting).*)

**ccxviii.** An Act to extend the time for the purchase of land for and completion of the Bexley Heath Railway and for other purposes. (*Bexley Heath Railway.*)

**ccxix.** An Act to alter the name of the borough of Bootle-cum-Linacre to improve the borough boundary and to make better provision for the health local government and improvement of the borough and for other purposes. (*Bootle Corporation.*)

**ccxx.** An Act for the alteration and amendment of the Memorandum of Association of the United States and South American Investment Trust Company Limited with reference to the investment of funds and for other purposes. (*United States and South American Investment Trust Company Limited.*)

**ccxxi.** An Act to confer further sanitary powers on the Magistrates and Council of the City and Royal Burgh of Glasgow as the Police Commissioners thereof and for other purposes. (*Glasgow Police (Amendment).*)

**ccxxii.** An Act to empower the Hull and North Western Junction Railway Company to deviate certain parts of the Railways Nos. 1 and 1C authorised by the Hull Barnsley and West Riding Junction Railway and Dock (New Works) Act 1882 to revive the powers and extend the time for the purchase of Lands for and to extend the time for the completion of the remainder of the said Railways Nos. 1 and 1C and the Railway No. 1A authorised by the said Act of 1882 and for other purposes. (*Hull and North Western Junction Railway.*)

**ccxxiii.** An Act to enable the Mayor Aldermen and Citizens of Oxford to acquire the Church of Saint Martin in the said City to make new Streets and Street Improvements to create and issue Corporation Stock and to make further provision for the improvement and good government of the City and for other purposes. (*Oxford Corporation.*)

**ccxxiv.** An Act to authorise the construction of a Footbridge with removable Sluices and a Lock and Slipway on the River Thames in the parishes of Richmond and Isleworth and for other purposes. (*Richmond Footbridge, Sluices, Lock and Slipway.*)

**ccxxv.** An Act to make further and better provision for the improvement health and good government of the County Borough of Sheffield and for other purposes. (*Sheffield Corporation.*)

**ccxxvi.** An Act to extend and vary the Memorandum of Association of the Compagnie Générale des Asphaltes de France (Limited) and for other purposes. (*Compagnie Générale des Asphaltes de France (Limited)*.)

**ccxxvii.** An Act to confer further powers upon the Manchester Ship Canal Company and for other purposes. (*Manchester Ship Canal (Various Powers).*)

**ccxxviii.** An Act for the making and maintaining of the North West Central Railway and for other purposes. (*North West Central Railway.*)

**ccxxix.** An Act for the amalgamation of the Ocean Railway and General Accident Assurance Company Limited and the Ocean and General Guarantee Company Limited and to confer certain powers on the Amalgamated Company. (*Ocean Accident and Guarantee Company Limited.*)

**ccxxx.** An Act to authorise the transfer to the South Lincolnshire Fen Water Company of the Undertaking of the Spalding Waterworks Company and for other purposes. (*South Lincolnshire Fen Water.*)

**ccxxxi.** An Act for enabling the Mayor Aldermen and Burgesses of the Borough of Bradford in the West Riding of the County of York to construct and maintain additional Waterworks and for other purposes connected therewith. (*Bradford Corporation Waterworks.*)

**ccxxxii.** An Act for the settlement of certain Claims arising out of the Fraudulent issue of certain Mortgages purporting to be Mortgages of the Local Board for the District of East Stonehouse and for the borrowing of Money by the Local Board and for other purposes. (*East Stonehouse Local Board.*)

**ccxxxiii.** An Act to authorise the construction of a Railway from Garve to Ullapool and for other purposes. (*Garve and Ullapool Railway.*)

**ccxxxiv.** An Act to authorise the Great North of Scotland Railway Company to acquire additional Lands and for other purposes. (*Great North of Scotland Railway.*)

**ccxxxv.** An Act to make further and better provision for the improvement health and good government of the Borough of Tunbridge Wells to provide for the issue of Corporation Stock to amend the Tunbridge Wells Improvement Act 1846 and the Tunbridge Wells Water Act 1865 and for other purposes. (*Tunbridge Wells Improvement.*)

**ccxxxvi.** An Act to extend the Boundaries of the Borough of Warrington to provide for vesting the Undertaking of the Warrington Waterworks Company in the Mayor Aldermen and Burgesses of the Borough of Warrington and for other purposes. (*Warrington Extension and Water.*)

ROYAL ASSENT, 18th August 1890.

**P. ccxxxvii.** An Act to confirm certain Provisional Orders of the Local Government Board relating to the Boroughs of Leamington and Tamworth. (*Local Government Board's Provisional Orders Confirmation (No. 11).*)

**P. ccxxxviii.** An Act to confirm a Provisional Order of the Local Government Board relating to the City of Manchester. (*Local Government Board's Provisional Confirmation Order* (*No.* 16).)

**P. ccxxxix.** An Act to confirm certain Provisional Orders made by the Board of Trade under the Electric Lighting Acts, 1882 and 1888, relating to the City of London. (*Electric Lighting Orders Confirmation* (*No.* 15).)

**ccxl.** An Act for authorising the Terrington and Walpole Tramroad Company to extend their Tramroad to Wisbech and for other purposes. (*Terrington and Walpole Tramroads.*)

**ccxli.** An Act for conferring further powers on the Airdrie and Coatbridge Water Company and for other purposes. (*Airdrie and Coatbridge Waterworks Amendment.*)

**ccxlii.** An Act for making Railways between Cork and Fermoy in the County of Cork and between Waterford and Wexford in the Counties of Waterford Kilkenny and Wexford and for other purposes. (*Cork and Fermoy and Waterford and Wexford Railway.*)

**ccxliii.** An Act to confer further powers on the London County Council for the acquisition and maintenance of Parks and Open Spaces and as to Local management and procedure and to make various provisions with regard to Buildings and Streets in the Administrative County of London. (*London Council* (*General Powers*).)

**ccxliv.** An Act to confer powers on the Tottenham Local Board of Health with regard to local government within their District. (*Tottenham Local Board.*)

**ccxlv.** An Act for conferring further powers on the Lynton Railway Company and for other purposes. (*Lynton Railway.*)

**ccxlvi.** An Act to amend the Dublin Improvement Acts 1849 to 1864 and to make further and better provisions in relation to Buildings Streets Sanitary Matters and Collection of Rates in the City of Dublin and for other purposes. (*Dublin Corporation.*)

**ccxlvii.** An Act to provide for the removal of certain restrictions upon traffic in certain streets of London. (*London Streets* (*Removal of Gates*).)

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## PRIVATE ACTS,

### NOT PRINTED.

AN Act to naturalize Maria Matilde Petrona de Francisco Martin Widow. (*Martin's Naturalization.*)

An Act to naturalize Ernest Edward Pohl. (*Pohl's Naturalization.*)

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# TABLE

## Showing the Effect of the Year's Legislation.

## ACTS OF FORMER SESSIONS (IN CHRONOLOGICAL ORDER) REPEALED OR AMENDED BY ACTS OF 53 & 54 VICT.*

| Statute and Chapter. | Subject-matter or Short Title. | How affected. | Chapter of 53 & 54 Vict. |
|---|---|---|---|
| 11 Geo. 1. c. 30 - | Adulteration of tea, &c. - | Ss. 32, 39 from "or by action" repealed. | 21, s. 40. |
| 31 Geo. 2. c. 32 - | Licences to deal in plate - | Repealed - - | 8, s. 36. |
| 32 Geo. 2. c. 24 - | " " " - - | | |
| 8 Geo. 3. c. 32 - | Excise (Chief Office) - - | S. 9 repealed - - | 21, s. 40. |
| 19 Geo. 3. c. 20 - | Scotch Ministers Widows - | Ss. 41 in part, 42 rep. - | cxxiv. s.3 (*Local*) |
| 24 Geo. 3. Sess. 2. c. 53. | Duties on plate - - - | Repealed - - | 8, s. 36. |
| 25 Geo. 3. c. 64 - | " " - - | | |
| 26 Geo. 3. c. 77 - | Excise - - - | Repealed - - | 21, s. 40. |
| 42 Geo. 3. c. 56 - | Stamp duties on medicines - | Ss. 23, 25 in part, 26, 27, 30, repealed. | |
| 43 Geo. 3. : | | | |
| c. 46 - | Prevention of vexatious arrests - | Repealed - - | 33 (Stat. Law Rev.) |
| c. 73 - | Stamp duties - - | S. 5 repealed - - | 21, s. 40. |
| 44 Geo. 3. c. 98 - | " " - - - | Ss. 10, 27 repealed - | |
| 47 Geo. 3. Sess. 2. c. 68. | Banks in India - - - | Repealed - - | 33 (Stat. Law Rev.) |
| 48 Geo. 3. c. 140 | Dublin police district - - | Ss. 47, 48 repealed - | |
| 50 Geo. 3. c. 31 - | Salaries of Lords of Session (Scotland). | Repealed - - | |
| 52 Geo. 3. c. 59 - | Drawback on plate - - | Repealed - - | 8, s. 36. |
| 53 Geo. 3. c. 155 | Government of India - - | Ss. 97–110, 124 repealed | 33 (Stat. Law Rev.) |
| 54 Geo. 3. c. 15 - | Recovery of debts in New South Wales. | Repealed as to Victoria - | |
| 5 Geo. 3. : | | | |
| c. 50 | Ghols (England) - - | Ss. 6–8, 11, 12 repealed (with savings) - | 33 (Stat. Law Rev.) |
| c. 72 | Elections (Glamorganshire) - | Repealed - - | |
| c. 114 | Pensions to Master of the Rolls (Ireland). | Repealed - - | |
| c. 184 | Stamp duties for bankers, &c. - | S. 39 repealed; ss. 40, 41 rep. (with savings). | |
| c. 185 | Stamp duties - - - | Repealed - - | 8, s. 36. |
| 56 Geo. 3. : | | | |
| c. 56 | Probates, &c. (Ireland) - - | S. 118, Sch. Pt. III. rep; ss. 119, 120 rep. (with savings). | 33 (Stat. Law Rev.) |
| c. 82 | Validity of judicial acts of surrogates abroad. | Repealed - - | |

* Acts continued annually by the Expiring Laws Continuance Act are not noticed in this Table.

Repeals by the Statute Law Revision Acts are not generally noticed, as being of little practical importance. When, however, a repeal extends to the whole Act, or even entire sections, it is entered in the Table.

| Statute and Chapter. | Subject-matter or Short Title. | How affected. | Chapter of 53 & 54 Vict. |
|---|---|---|---|
| 56 Geo. 3—*cont.* | | | |
| c. 104 | Goods entitled to drawback of excise. | Repealed - - | 51 (Stat. Law Rev. (No. 2).) |
| c. 116 | Gaol fees, &c. - - | Repealed - - | 33 (Stat. Law Rev.) |
| 57 Geo. 3. : | | | |
| c. 19 | Seditious meetings - - | S. 24 repealed - - | |
| c. 25 | Exemption of trade premises from house tax. | S. 4 repealed - - | |
| c. 62 | Regulation of certain offices (Ireland). | Rep (except ss. 8, 10, 11) | |
| c. 64 | Regulation of certain offices (Scotland). | Ss. 1, 9 repealed - - | |
| c. 91 | Fees of clerks of the peace - | S. 1 repealed - - | |
| 59 Geo. 3. c. 7 - | Cutlery trade - - | S. 6 repealed - - | 51 (Stat. Law Rev. (No. 2).) |
| 60 Geo. 3. and 1 Geo. 4. c. 11. | Parliamentary Elections (Ireland). | S. 4 repealed - - | 33 (Stat. Law Rev.) |
| 1 Geo. 4. c. 14 - | Drawback on gold plate - | Repealed - - | 8, s. 36. |
| 1 & 2 Geo. 4. : | | | |
| c. 31 | Hereditary Revenue (Scotland) | Repealed - - | 33 (Stat. Law Rev.) |
| c. 44 | House of Commons (Disqualification of holders of certain judicial offices). | S. 1 repealed - - | |
| c. 53 | Common Law Procedure (Ireland). | Ss. 1–23, 36, 37, 42–46, 58, Schedules repealed | |
| c. 66 | Fur trade, &c., North America - | S. 4 repealed - - | |
| 3 Geo. 4. : | | | |
| c. 49 | Residence of sheriffs depute of Edinburgh, &c. | S. 2 repealed - - | |
| c. 62 | Fees in Office of Lord Register (Scotland). | Repealed - - | |
| 4 Geo. 4 : | | | |
| c. 27 | Justices of the peace in cities - | Repealed - - | 51 (Stat. Law Rev. (No. 2).) |
| c. 40 | Linen and hempen manufactures (Scotland). | Repealed | 33 (Stat. Law Rev.) |
| c. 55 | Parliamentary Elections (Ireland). | S. 71 repealed - - | |
| c. 61 | Court of Chancery (Ireland) - | Ss. 25–32, 35–40, 42 rep. | |
| c. 67 | Marriages (St. Petersburg) - | Repealed as to future marriages. | 47, s. 12. |
| c. 71 | Pensions of Bishop, &c., India - | Ss. 12, 13 rep. - - | 33 (Stat. Law Rev.) |
| c. 78 | Stamp Duties (Ireland) - | Repealed - - | |
| c. 83 | Protection of merchants contracting with factors. | Repealed as to Scotland - | 40. |
| c. 91 | Confirmation of certain marriages | Repealed as to future marriages. | 47, s. 12. |
| c. 97 | Commissaries (Scotland) - | Repealed (except ss. 5, 13) | 33 (Stat. Law Rev.) |
| 5 Geo. 4. : | | | |
| c. 84 | Transportation of offenders - | Ss. 18, 19 repealed - | |
| c. 90 | Building places of worship (Scotland). | S. 1 repealed - - | |
| 6 Geo. 4.: | | | |
| c. 30 | Officers, &c. in Court of Chancery (Ireland). | S. 18 rep. - - | |
| c. 85 | Salaries, &c. of Bishops, &c., India. | Repealed (except ss. 4, 5, 15). | |
| c. 94 | Protection of merchants contracting with factors. | Repealed as to Scotland - | 40. |
| 7 Geo. 4. : | | | |
| c. 63 | Repairing, &c. shire halls, &c. - | Ss. 10–12, 14–18, Sch. A., repealed. | 33 (Stat. Law Rev.) |

| Statute and Chapter. | Subject-matter or Short Title. | How affected. | Chapter of 53 & 54 Vict. |
|---|---|---|---|
| 7 Geo. 4.—*cont.* | | | |
| c. 74 | Prisons (Ireland) - - | Ss. 2, 7, 8, 10, 11, 14–43, 45, 46, 50–60, 64–66, 68, 70, 71, 73–77, 79, 80, 84–88, 97, 99–103, 112–115, 123, Schs. (A.) —(E.) rep. | 51 (Stat. Law Rev. (No. 2).) |
| 7 & 8 Geo. 4.: | | | |
| c. 53 | Consolidation of laws relating to the Excise. | Ss. 1, 2, 4–7, 10–17, 24, 26, 27, 33 proviso, 44–64, 72, 78 proviso, 80, 93–106, 112–126, and in part ss. 3, 32, 82, 84 rep. | 21, s. 40. |
| c. 55 | Boards of Stamps - - | Repealed - - | |
| 9 Geo. 4.: | | | |
| c. 14 | Validity of certain engagements | S. 2 repealed - - | 33 (Stat. Law Rev.) |
| c. 15 | Amendment of record in civil actions. | Repealed - - | |
| c. 16 | Repeal of Annuities Acts - | | |
| c. 26 | Keeper of Register of Hornings (Scotland). | | |
| c. 29 | Courts of Justiciary (Scotland) - | Ss. 8, 9, 11, Sch B. rep. - | |
| c. 74 | Administration of criminal justice, East Indies. | Repealed (except ss. 1, 7–9, 25, 26, 56, and as to Straits Settlements 110). | |
| 10 Geo. 4.: | | | |
| c. 7 | Relief of Roman Catholic subjects | S. 27 repealed - - | |
| c. 41 | Butter Trade (Ireland) - - | Ss. 3–6 repealed - - | 51 (Stat. Law Rev. (No. 2).) |
| c. 44 | Metropolitan Police - - | S. 10 repealed in part - | 45, s. 36. |
| c. 62 | House of Commons (Disqualification of certain East Indian officers). | Repealed - - | 33 (Stat. Law Rev.) |
| 11 Geo. 4. and 1 Will. 4.: | | | |
| c. 39 | Transportation of offenders - | Ss. 1, 3, 4 repealed - | 51 (Stat. Law Rev. (No. 2).) |
| c. 43 | Fees and stamp duties - - | S. 3 repealed - - | 33 (Stat. Law Rev.) |
| c. 69 | Trial by jury, court of session, &c. | Ss. 31, 44 repealed - | |
| c. 70 | Administration of justice - | S. 31 repealed - - | |
| 1 & 2 Will. 4.: | | | |
| c. 4 | Declarations under Excise laws - | Ss. 4 in part, 5 repealed - | 21, s. 40. |
| c. 33 | Public Works (Ireland) - - | Ss. 8, 101, 103, 112 rep. - | 33 (Stat. Law Rev.) |
| c. 43 | Turnpike Roads (Scotland) - | Repealed - - | 51 (Stat. Law Rev. (No. 2).) |
| c. 57 | Removal of Obstructions in Rivers (Ireland). | Repealed - - | 33 (Stat. Law Rev.) |
| 2 & 3 Will. 4.: | | | |
| c. 16 | Permits for removal of exciseable goods. | S. 14 repealed - - | 21, s. 40. |
| c. 32 | Nisi prius court house, Dublin - | Repealed - - | 33 (Stat. Law Rev.) |
| c. 33 | Service of process out of jurisdiction. | | |
| c. 45 | Reform Act - - - | Ss. 7, 9, 33, 61, Schs. (A.), (C.) repealed | |
| c. 47 | Assizes for Norfolk - - | Repealed - - | |
| c. 51 | Vice-Admiralty courts abroad - | Repealed (see date and terms of repeal). | 27, s. 18. |
| c. 64 | Divisions of counties, &c. - | Ss. 27, 28 repealed - | 33 (Stat. Law Rev.) |
| c. 65 | Reform Act (Scotland) - - | S. 44 repealed - - | |
| c. 103 | Audit of customs, &c. revenues (Scotland). | Repealed - - | 21, s. 40. |

| Statute and Chapter. | Subject-matter or Short Title. | How affected. | Chapter of 53 & 54 Vict. |
|---|---|---|---|
| 3 & 4 Will. 4.: | | | |
| c. 13 | Powers of Barons of Exchequer, Scotland, as to public revenue. | Ss. 5, 6 repealed - - | 21, s. 40. |
| c. 31 | Municipal elections - - | S. 2 repealed - - | 51 (Stat. Law Rev. (No. 2).) |
| c. 41 | Privy Council - - | S. 2 repealed (see date and terms of repeal). | 27, s. 18. |
| c. 46 | Police in Burghs (Scotland) - | Repealed - - | 33 (Stat. Law Rev.) |
| c. 73 | Abolition of Slavery in the Colonies. | Repealed (except s. 12) | 51 (Stat. Law Rev. (No. 2.)) |
| c. 82 | Affirmations by Separatists - | Repealed - - | 33 (Stat. Law Rev.) |
| c. 84 | Lord Chancellors' officers - | Repealed - - | 2. |
| c. 85 | Government of India - - | Ss. 19, 64, 69, 81–83, 85, 95 repealed. | 33 (Stat Law Rev.) |
| 4 & 5 Will. 4.: | | | |
| c. 11 | Appropriation of sums arising from redemption of land tax. | Repealed - - | 51 (Stat. Law Rev. (No. 2).) |
| c. 46 | Fever Hospitals, &c. (Ireland) - | S. 1 repealed - - | |
| c. 51 | Collection, &c of Excise revenue | Ss. 1–3, 13, 14, 17, 21, 24, 27, 29 repealed. | 21, s. 40. |
| c. 60 | Land and assessed taxes, &c. - | Ss. 8, 9 repealed - - | |
| c. 65 | Administration of justice, Norfolk Island. | Repealed - - | 51 (Stat. Law Rev. (No. 2).) |
| c. 76 | Poor law - - - | S. 45 repealed - - | 5, s. 342. |
| c. 78 | Court of Chancery (Ireland) - | S. 11 repealed - - | 51 (Stat. Law Rev. (No. 2).) |
| c. 82 | Service out of the jurisdiction - | Repealed - - | 33 (Stat. Law Rev.) |
| 5 & 6 Will. 4.: | | | |
| c. 20 | Stamps and taxes - - | Repealed - - | 21, s. 40. |
| c. 27 | Linen and hempen manufactures (Ireland). | S. 13 repealed - - | 51 (Stat. Law Rev. (No. 2).) |
| c. 52 | Government of North-west provinces, India. | S. 1 repealed - - | 33 (Stat. Law Rev.) |
| c. 73 | Forgery (Scotland) - - | Repealed - - | 51 (Stat. Law Rev. (No. 2).) |
| 6 & 7 Will. 4.: | | | |
| c. 20 | Leases by ecclesiastical persons - | S. 10 repealed - - | |
| c. 28 | Security given by revenue officers | Extended - | 21, s. 5. |
| c. 37 | Sale of bread, &c. - - | S. 1 repealed - - | 51 (Stat. Law Rev. (No. 2).) |
| c. 71 | Commutation of tithes - - | Ss. 17–28, 32–55, 59–61, 63, 65, 79, 88, 89, rep. (with savings). | 33 (Stat. Law Rev.) |
| c. 87 | Secular jurisdiction of Archbishop of York and Bishop of Ely. | Ss. 1, 4, 19 repealed - | |
| c 108 | Public Works (Ireland) - | S. 21 repealed - - | 51 (Stat. Law Rev. (No. 2).) |
| 7 Will. 4. and 1 Vict.: | | | |
| c. 32 | Post Office (Repeal) - - | S. 4 repealed - - | |
| c. 33 | Post Office (Management) - | S. 1 repealed - - | |
| c. 36 | Post Office (Offences) - - | Ss. 1, 38 repealed - | |
| c 69 | Commutation of Tithes - - | Ss. 1–6, 9–11 rep. (with saving). | |
| c. 84 | Abolition of punishment of death for forgery. | S. 4 repealed - - | |
| c. 88 | Piracy - - - - | S. 6 repealed - - | |
| c. 91 | Abolition of punishment of death in certain cases. | S. 3 repealed - - | |
| 1 & 2 Vict.: | | | |
| c. 53 | County treasurers (Ireland) - | S. 3 repealed - - | |

| Statute and Chapter. | Subject-matter or Short Title. | How affected. | Chapter of 53 & 54 Vict. |
|---|---|---|---|
| 1 & 2 Vict.—*cont.* | | | |
| c. 61 | Security given by public officers | Extended - - - | 21, s. 5. |
| c. 119 | Sheriff Courts (Scotland) - - | Ss. 3, 26 repealed - - | 51 (Stat. Law Rev. (No. 2).) |
| 2 & 3 Vict.: | | | |
| c. 36 | Judges in Supreme Courts (Scotland). | Ss. 2, 6, 12 repealed - | 51 (Stat. Law Rev. (No. 2).) |
| c. 47 | Metropolitan Police - - | S. 1 repealed - - | 51 (Stat. Law Rev. (No. 2).) |
| | | Ss. 22, 23 repealed - - | 45, s. 36. |
| c. 62 | Commutation of tithes - - | Ss. 8–13, 22, 24, 26, 27, 29–33 rep. (with saving). | 51 (Stat. Law Rev. (No. 2).) |
| c. 69 | Lodgings for Judges of Assize - | S. 2 repealed - - | 51 (Stat. Law Rev. (No. 2).) |
| c. 71 | Police Courts (Metropolis) - | S. 46 from "which shall be applied towards" rep. | 45, s. 36. |
| 3 & 4 Vict.: | | | |
| c. 15 | Commutation of tithes - - | Ss. 1–16, 18, 19, 21, 25–27 rep. (with saving). | 51 (Stat. Law Rev. (No. 2).) |
| c. 56 | Trade of ships within limits of East India Company's charter. | Repealed - - | 51 (Stat. Law Rev. (No. 2).) |
| c. 88 | County and district constables - | Ss. 10, 11, 17, repealed - | 45, s. 36. |
| c. 105 | Abolition of Arrest, &c. (Ireland) | S. 7 repealed - - | 51 (Stat. Law Rev. (No. 2)) |
| 4 & 5 Vict.: | | | |
| c. 20 | Collection, &c. of Excise duties - | Ss. 1, 3, 4, 15–21, 26–29, 32–34 repealed. | 21, s. 40. |
| c. 49 | County bridges - - | Repealed - - - | 51 (Stat. Law Rev. (No. 2).) |
| c. 56 | Abolition of punishment of death in certain cases. | Repealed - - - | 8, s. 36. |
| 5 & 6 Vict.: | | | |
| c. 28 | Punishment of Death (Ireland) | S. 17 repealed - - | 51 (Stat. Law Rev. (No. 2).) |
| c. 39 | Advances to agents - - | Repealed as to Scotland - | 40. |
| c. 47 | Customs - - - | S. 1 repealed - - | 51 (Stat. Law Rev. (No. 2).) |
| c. 54 | Commutation of tithes - - | Ss. 2, 4, 9–11 repealed (with saving). | 51 (Stat. Law Rev. (No. 2).) |
| c. 76 | New South Wales, &c. - - | Rep. as to Western Australia (but see savings). | 26, s. 2. |
| c. 93 | Tobacco - - - | S. 6 repealed - - | 51 (Stat. Law Rev. (No. 2).) |
| c. 94 | Defence - - - | S. 19 amended - - | 25, s. 4. |
| c. 98 | Prisons - - - | Rep. (except ss. 12, 31, 33, and in part ss. 5, 6). | 51 (Stat. Law Rev. (No. 2).) |
| 6 & 7 Vict.: | | | |
| c. 38 | Judicial Committee of the Privy Council. | Ss. 2, 3, 5, 7, 9, 10, 12, 15, rep. in part (see date and terms of repeal). | 27, s. 18. |
| c. 94 | Foreign Jurisdiction - - | Repealed - | 37, s. 18. |
| 7 & 8 Vict.: | | | |
| c. 22 | Marking of gold and silver wares. | Ss. 5, 10 repealed in part | 8, s. 36. |
| c. 69 | Administration of justice in Privy Council. | S. 12 rep. in part (see date and terms of repeal). | 27, s. 18. |
| c. 74 | New South Wales, &c. - - | Rep. as to Western Australia. | 26, s. 2. |
| 8 & 9 Vict. c. 100 | Lunatics - - - | Repealed - - - | 5, s. 342 |
| 10 & 11 Vict. c. 34 | Towns improvement clauses - | S. 80 rep. (on adoption of repealing Act). | 59, s. 34 (3). |
| 12 & 13 Vict.: | | | |
| c. 1 | Commissioners of Inland Revenue | Repealed, except s. 16 | 21, s. 40. |
| c. 68 | Consular marriages - - | Ss. 3, 6, 9 amended - | 47, ss. 7, 8. |
| c. 80 | Duties on plate - | Repealed - - - | 8, s. 6. |
| c. 91 | Collection of Rates, Dublin - | Amended; s. 62 rep. in part | ccxlvi., Part (*Local*). |

| Statute and Chapter. | Subject-matter or Short Title. | How affected. | Chapter of 53 & 54 Vict. |
|---|---|---|---|
| 13 & 14 Vict.: | | | |
| c. 28 | Property held for religious congregations. | Extended - - | 19, ss. 2, 4. |
| c. 59 | Australian Colonies - - | Rep. as to Western Australia (but see savings). | 26, s. 2. |
| c. 60 | Trustee Act - - - | Ss. 3–6, 56, and in part ss. 20, 26–28, 31, 40–42, 44, 45, 51–53 repealed, except as to Ireland. | 5, s. 342. |
| 14 & 15 Vict. c. 34 | Labouring Classes Lodging Houses. | Repealed - - | 70, s. 102. |
| 15 & 16 Vict.: | | | |
| c. 48 | Property of lunatics - - | Repealed - - | 5, s. 342. |
| c. 55 | Extension of Trustee Act, 1850 - | Ss. 10, 11, and in part 6, 7, rep., except as to Ireland. | |
| c. 61 | Summary proceedings under Excise Acts. | Repealed - - | 21, s. 40. |
| c. 87 | Relief of suitors, Court of Chancery. | S. 26 repealed - - | 2. |
| 16 & 17 Vict.: | | | |
| c. 26 | Elections to Town Councils in Burghs (Scotland). | Repealed - - | 55, s. 53. |
| c. 59 | Stamp duties - - | S. 17 repealed - - | 21, s. 40. |
| c. 70 | Lunacy Regulation - - | Repealed - - | 5, s. 342. |
| c. 96 | Lunatics - - - | | |
| c. 97 | Lunatic Asylums - - - | | |
| 17 & 18 Vict. c. 96 | Gold and silver plate - - | S. 3 repealed - - | 8, s. 36. |
| 18 & 19 Vict.: | | | |
| c. 13 | Lunacy Regulation Act, 1853, Amendment. | Repealed - - | 5, s. 342. |
| c. 56 | Waste Lands (Australia) - | S. 7 repealed - - | 26, s. 4. |
| c. 70 | Public Libraries (England) - | S. 18 extd. to Metropolis; ss. 8 proviso, 23 rep. | 68, ss. 9, 11. |
| c. 78 | Stamp duties, &c. - - | S. 6 repealed - - | 21, s. 40. |
| c. 88 | Dwelling Houses (Scotland) - | Repealed - - | 70, s. 102. |
| c. 105 | Lunatic Asylums Acts Amendment. | Repealed - - | 5, s. 342. |
| c. 120 | Metropolis Management - | Amended - - | 66. |
| 19 & 20 Vict.: | | | |
| c. 60 | Mercantile Law Amendment (Scotland). | S. 7 repealed - - | 39, s. 48. |
| c. 69 | County and Borough police - | Ss. 8, 10, 11, 13, 27–29 rep. | 45, s. 36. |
| c. 87 | Lunatic Asylums Act, 1853, Amendment. | Repealed - - | 5, s. 342. |
| c. 97 | Mercantile Law Amendment - | S. 4 repealed - - | 39, s. 48. |
| 20 & 21 Vict.: | | | |
| c. 64 | Metropolitan police - - | S. 15 repealed - - | 45, s. 36. |
| c. 72 | County and Burgh Police (Scotland). | Ss. 52, 53 repealed - | 67, s. 32. |
| c. 75 | Jurisdiction in Siam - - | Repealed - - | 37, s. 18. |
| 22 & 23 Vict. c. 32 | County and borough police - | Ss. 8–10, 12, 13, 15–17, 19–21, 23, 24 in part, 28 repealed. | 45, ss. 24, 36. |
| 23 & 24 Vict.: | | | |
| c. 113 | Excise duties - - - | S. 40 repealed - - | 21, s. 40. |
| c. 127 | Attorneys, solicitors, &c. - | S. 29 repealed - - | 5, s. 342. |
| 24 & 25 Vict.: | | | |
| c. 31 | Offences (Sierra Leone) - - | Repealed prospectively - | 37, s. 17. |
| c. 55 | Removal of the poor, &c. - - | S. 7 repealed - - | 5, s. 342. |
| c. 96 | Larceny, &c. - - - | S. 85 rep. in part - | 71, ss. 27, 29. |
| c. 124 | Metropolitan police - - | S. 6 repealed - - | 45, s. 36. |
| 25 & 26 Vict.: | | | |
| c. 86 | Lunacy regulation - - - | Repealed - - | 5, s. 342. |
| c. 89 | Companies - - - | Ss. 81, 92 in part, 97, 165 repealed as to England. | 63, s. 33. |

| Statute and Chapter. | Subject-matter or Short Title. | How affected. | Chapter of 53 & 54 Vict. |
|---|---|---|---|
| 25 & 26 Vict.—*cont.* | | | |
| c. 101 | General Police and Improvement (Scotland). | S. 121 from "and also" repealed. | 67, s. 32. |
| c. 102 | Metropolis Management Amendment. | S. 78 repealed - - | 54. |
| c. 111 | Lunacy Acts Amendment - | Repealed - - | 5, s. 342. |
| 26 & 27 Vict.: | | | |
| c. 24 | Vice-Admiralty Courts - - | Repealed (see date and terms of repeal). | 27, s. 18. |
| c. 35 | Offences (South Africa) - | Repealed prospectively - | 37, s. 17. |
| c. 73 | India Stock Certificate - | S. 2 amended - - | 6, s. 17. |
| c. 110 | Lunacy Acts Amendment - | Repealed - - | 5, s. 342. |
| 28 & 29 Vict.: | | | |
| c. 35 | Police superannuation - - | Ss. 2 in part, 3–5, 9 rep. - | 45, s. 36. |
| c. 80 | Lunacy Act Amendment - | Repealed - - | 5, s. 342. |
| c. 86 | Partnership - - - | Repealed - - | 39, s. 48. |
| c. 96 | Inland Revenue - - - | S. 25 repealed - - | 21, s. 40. |
| c. 116 | Foreign Jurisdiction - - | Repealed - - | 37, s. 18. |
| 29 & 30 Vict.: | | | |
| c. 28 | Labouring classes dwelling houses. | Repealed - - | 70, s. 102. |
| c. 44 | Labouring Classes Lodging-houses and Dwellings (Ireland) | | |
| c. 64 | Inland Revenue - - - | S. 15 repealed - - | 8, s. 36. |
| c. 87 | Foreign Jurisdiction - - | Repealed - - - | 37, s. 18. |
| c. 90 | Sanitary Act - - - | S. 22 rep. as to Metropolis | 34, s. 5. |
| 30 & 31 Vict.: | | | |
| c. 6 | Metropolitan poor - - | S. 30 from "and every such" repealed. | 5, s. 342. |
| c. 28 | Labouring Classes Dwelling-houses. | Repealed - - | 70, s. 102. |
| c. 45 | Vice-Admiralty Courts Acts Amendment. | Repealed (see date and terms of repeal). | 27, s. 18. |
| c. 87 | Court of Chancery (Officers) - | S. 13 repealed - - | 5, s. 342. |
| c. 101 | Public Health (Scotland) - | Ss. 39, 42 amended - | 20. |
| c. 106 | Poor Law Amendment - - | S. 22 repealed in part - | 5, s. 342. |
| c. 131 | Companies - - - | Ss. 41–46 rep. as to England | 63, s. 33. |
| 31 & 32 Vict.: | | | |
| c. 61 | Consular Marriages - - | Amended - - - | 47. |
| c. 122 | Poor Law Amendment - - | S. 43 repealed - - | 5, s. 342. |
| c. 124 | Inland Revenue - - - | Ss. 1, 2 repealed - | 21, s. 40. |
| c. 130 | Artizans and Labourers Dwellings | Repealed - - - | 70, s. 102. |
| 32 & 33 Vict. c. 62 | Debtors - - - | S. 11 amended - - | 71, s. 26. |
| 33 & 34 Vict.: | | | |
| c. 55 | Siam, &c. jurisdiction - - | Repealed - - | 37, s. 18. |
| c. 75 | Elementary Education - - | S. 3 amended - - | 22, s. 1. |
| c. 97 | Stamps - - - | S. 26 (2) repealed - - | 21, s. 40. |
| | | Schedule amended - | 8, s. 19. |
| c. 98 | Stamp duties management - | Ss. 3, 26 (2) repealed - | 21, s. 40. |
| 34 & 35 Vict. c. 14 | County property - - | S. 2 repealed - - | 5, s. 342. |
| 35 & 36 Vict. c. 62 | Education (Scotland) - - | S. 14 repealed - - | 55, s. 53. |
| 36 & 37 Vict.: | | | |
| c. 59 | Slave Trade (East African Courts). | Ss. 4, 5, repealed (see date and terms of repeal). | 27, s. 18. |
| c. 66 | Supreme Court of Judicature - | Amended - - | 44. |
| c. 88 | Slave trade - - - | Ss. 20, 23 rep. in part (see date and terms of rep.). | 27, s. 18. |
| 38 & 39 Vict.: | | | |
| c. 36 | Artizans and Labourers Dwellings Improvement. | Repealed - - - | 70, s. 102. |
| c. 49 | Artizans and Labourers Dwellings Improvement (Scotland). | | |
| c. 51 | Pacific Islanders Protection - | S. 6 rep. in part (see date and terms of repeal). | 27, s. 18. |

| Statute and Chapter. | Subject-matter or Short Title. | How affected. | Chapter of 53 & 54 Vict. |
|---|---|---|---|
| 38 & 39 Vict.—*cont.* | | | |
| c. 55 | Public Health - - - | Ss. 211 (1) (*b*), 230 am. | 17. |
| | | S. 120 rep. (on adoption of repealing section). | 34, s. 5. |
| | | Am. and (where amending Act adopted) ss. 41, 116–119, 157, 158, 164, 165, 306 ext.; s. 84 am.; ss. 38, 152 rep. | 59, ss. 11, 19, 22, 23, 28, 32, 41, 45, 46, 48. |
| c. 57 | Pharmacy (Ireland) - - | Amended; s. 15 repealed | 48. |
| c. 77 | Supreme Court of Judicature - | Ss. 7, 26 in part, repealed | 5, s. 342. |
| c. 85 | Foreign Jurisdiction - - | Repealed - - | 37, s. 18. |
| 39 & 40 Vict.: | | | |
| c. 35 | Customs tariff - - - | Ss. 3–6, and in part s. 1, sch. rep.; sch. amended. | 8, ss. 3, 5, 36. |
| c. 36 | Customs Consolidation - - | S. 179 amended - - | 56. |
| c. 46 | Slave trade - - - | Ss. 4, 6 repealed - - | 37, s. 18. |
| c. 80 | Merchant shipping - - | Ss. 26 (2), 27 (2) virt. rep., ss. 25–27 explained. | 9. |
| 40 & 41 Vict.: | | | |
| c. 39 | Factors Acts Amendment - | Repealed as to Scotland - | 40. |
| c. 54 | Public Libraries Amendment - | Repealed as to England - | 68, s. 91. |
| 41 & 42 Vict.: | | | |
| c. 52 | Public Health (Ireland) - | S. 137 rep. (on adoption of repealing section). | 34, ss. 5, 23. |
| | | Am. and (where amending Act adopted) ss 41, 42, 51, 102, 132–135, 272 ext.; s. 95 amended; s. 48 repealed. | 59, ss. 11, 12, 19, 22, 23, 28, 32, 46, 48. |
| c. 67 | Foreign Jurisdiction - - | Repealed - - - | 37, s. 18. |
| c. 74 | Contagious Diseases (Animals) - | S. 21, subss. (1)–(3) rep. | 14, s. 7. |
| 42 & 43 Vict.: | | | |
| c. 63 | Artizans and Labourers Dwellings Improvement. | Repealed - - | 70, s. 102. |
| c. 64 | Artizans and Labourers Dwellings Act (1868) Amendment. | | |
| c. 77 | Public Works Loans - - | S. 6 repealed - - | |
| 43 Vict. | | | |
| c. 2 | Artizans and Labourers Dwellings Improvement (Scotland). | Repealed - - | 70, s. 102. |
| c. 8 | Artizans and Labourers Dwellings | | |
| 43 & 44 Vict.: | | | |
| c. 19 | Taxes management - - | Ss. 12, 14, 21 (2), rep. - | 21, s. 40. |
| c. 20 | Inland Revenue - - | S. 31 repealed - - | |
| c. 24 | Spirits - - - | S. 3 amended; ss. 117, 123 in part, rep. | 8, ss. 31, 32, 36. |
| | | Ss. 151, 155 (2) rep. - | 21, s. 40. |
| 44 & 45 Vict. c. 58 | Army - - - - | Ss. 1, 57, 175, 179, 190 am.; s. 151 (2) rep. | 4. |
| 45 & 46 Vict.: | | | |
| c. 22 | Boiler explosions - - | Extended; s. 4 from "or to any boiler on" rep. | 35. |
| c. 38 | Settled land - - - | S. 15 rep.; s. 25 ext.; ss. 45, 50 amended. | 69, ss. 4, 7, 10, 13. |
| | | Amended; s. 25 extended | 70, s. 74. |
| c. 43 | Bills of sale - - - | S. 9 amended - - | 53. |
| c. 50 | Municipal Corporations - | Fifth Schedule, Part II., 5 (*b*) repealed in part. | 45, s. 36. |
| c. 54 | Artizans Dwellings - - | Repealed - - | 70, s. 102. |
| c. 56 | Electric lighting - - | Sch. rep. as to Scotland - | 13. |
| c. 82 | Lunacy Regulation Amendment | Repealed - - | 5, s. 342. |

| Statute and Chapter. | Subject-matter or Short Title. | How affected. | Chapter of 53 & 54 Vict. |
|---|---|---|---|
| 46 & 47 Vict.: | | | |
| c. 52 | Bankruptcy - - - | Ss. 22 (1), 25, 32, 42, 55, 72, 73, 125, 131 am.; ss. 86, 135 ext.; ss. 18, 28, and in part ss. 4, 23, 46, 72, 125, Sch I., rep. | 71, ss. 5, 7, 9, 13, 15, 19, 21, 24, 25, 28, 29. |
| c. 55 | Revenue - - - | S. 10, sub-sections (2), (4), (7), (10) rep. in part. | 8, s. 36. |
| c. 61 | Agricultural holdings - - | Amended - - - | 57. |
| 47 & 48 Vict. c. 62 | Revenue - - - | S. 4 repealed in part; s. 6 amended. | 8, ss. 27, 36. |
| 48 & 49 Vict.: | | | |
| c. 52 | Lunacy Acts Amendment - | Repealed - - | 5, s. 342. |
| c. 72 | Housing of the working classes | Repealed (except ss. 3, 7–9, 10 in part). | 70, s. 102. |
| 49 & 50 Vict.: | | | |
| c. 5 | Drill Grounds - - | S. 2 amended - - | 25, s. 3. |
| c. 50 | Removal Terms (Scotland) - | Amended - - | 36. |
| 50 & 51 Vict.: | | | |
| c. 22 | Public Libraries Acts Amendment. | S. 11 repealed - - | 68, s. 11. |
| c. 26 | Allotments and cottage gardens compensation for crops. | Amended - - | 57. |
| 51 & 52 Vict.: | | | |
| c. 8 | Customs and Inland Revenue - | S. 12 explained - - | 8, s. 18. |
| | | S. 7 repealed - - | 21, s. 40. |
| c. 12 | Electric Lighting - - | Amended as to Scotland - | 13. |
| c. 41 | Local Government - - | Ss. 32 (3) (c), 86 (1)–(4), (6)–(8) repealed. | 5, s. 342. |
| c. 57 | Statute Law Revision (No. 2) - | Sch. amended - - | 33, s. 5 (Stat. Law Rev.) |
| 52 & 53 Vict.: | | | |
| c. 9 | Public Libraries Acts Amendment | S. 3 extended - - | 68, s. 7. |
| c. 10 | Commissioners for Oaths - | Amended - - | 7. |
| c. 23 | Herring Fishery (Scotland) - | S. 6 (3) repealed - | 10. |
| c. 41 | Lunacy Acts Amendment - | Repealed - - | 5, s. 342. |
| c. 45 | Factors - - | Ext. to Scotland, s. 16 virt. rep. | 40. |
| c. 61 | London Council (Money) - | Ss. 6–8, 11, 13 amended - | 41, s. 4. |
| c. 66 | Light Railways (Ireland) - | S. 4 amended - - | 52, s. 5. |
| 53 & 54 Vict. c. 70 | Housing of the working classes | S. 74 explained - - | 69, s. 18. |

# A LIST

OF

# THE LOCAL AND PRIVATE ACTS,

(53 & 54 Vict., 1890,)

## ARRANGED IN CLASSES.


Class 1.—Bridges and Ferries.
" 2.—Canals, Rivers, Navigations, Tunnels, and Subways.
" 3.—Charitable Foundations and Institutions.
" 4.—Drainages and Drainage Embankments.
" 5.—Ecclesiastical Affairs, including Tithes.
" 6.—Estates.
" 7.—Fisheries.
" 8.—Gaslight Companies and Undertakings.
" 8a.—Electric Light Companies, &c.
" 9.—Harbours, Docks, Ports, Piers, Quays, &c.
" 10.—Improvements in Towns, Municipal and County and Local Government Matters, Markets, &c.
" 11.—Parks, Commons, and Open Spaces.
" 12.—Parish Affairs.
" 13.—Personal Affairs.
" 14.—Railways.
" 15.—Trading and other Companies.
" 16.—Tramways and Tramroads.
" 17.—Turnpike and other Roads.
" 18.—Water Companies and Undertakings.
" 19.—Provisional Orders Confirmation.


Note.—In this Table, words, printed in *italics*, following the Title are added to explain the principal purposes of the Act, where none are added, and the Title itself conveys no explanation, the Act may be considered as one giving General Powers.

## Class 1.—Bridges and Ferries.

Forth Bridge Railway (*Additional Capital*). Ch. xxxviii.

Manchester Ship Canal (Various Powers) (*Vesting undertaking of Rixton and Warburton Bridge Company*). Ch. ccxxvii. (ss. 33–5, Sch.).

Newport (Monmouthshire) Harbour (*Construction of Ferry Works*). Ch. cxliv.

Richmond Footbridge, Sluices, Lock, and Slipway (*Construction*). Ch. ccxxiv.

## Class 2.—Canals, Rivers, Navigations, Tunnels, and Subways.

Bristol Floods Prevention. Ch. cix.
Cart Navigation (*Additional borrowing and rating powers*). Ch. xi.
City and South London Railway (*Change of Name. Extension to Clapham*). Ch. cxiv.
Clyde Lighthouses (*Extension of Time*). Ch. vii.
Clyde Navigation. Ch. clvi.
Glasgow Corporation (*Construction, &c. of river walls*). Ch. clii.
Glasgow District Subway (*Incorporation of Company*). Ch. clxii.
Manchester Ship Canal (Tidal Openings, &c.). Ch. lxxiv.
Manchester Ship Canal (Various Powers). Ch. ccxxvii.
Regent's Canal City and Docks Railway (Extension of Time, &c.). Ch. cc.
Ribble Navigation (*Additional Works and borrowing powers. Transfer of Freckleton Farm to Urban Sanitary Authority*). Ch. xlii.
Richmond Footbridge, Sluices, Lock, and Slipway (*Construction*). Ch. ccxxiv.
Severn Navigation (*New Works. Additional borrowing power. Power to Corporations of Cardiff and Worcester to contribute, &c.*). Ch. clv.
Tyne Improvement (*Consolidation of funds. Amendment of provisions for elections of Commissioners and levying, &c. of rates. Superannuation Fund*). Ch. xxviii.
Wharfe River Navigation (*Incorporation of Company*). Ch. cxlvi.

## Class 3.—Charitable Foundations and Institutions.

Birstall Wesleyan Chapel Trust Scheme Confirmation. Ch. clxxxiv.
Church of Scotland Ministers' Widows' Fund (*Amendment of Acts. Incorporation of Trustees. Investment of Funds*). Ch. cxxiv.
Royal Naval School (New Cross) Disused Chapel Site (*Freeing Chapel and Site from Ecclesiastical uses for purposes of Goldsmiths' Company's Institute*). Ch. viii.
South London Polytechnic Institutes (Borough Road Site) (*Purchase of Freehold*). Ch. ix.

## Class 4.—Drainages and Drainage Embankments.

Thames Valley Drainage (*Extension of jurisdiction. Powers as to rating*). Ch. xxx.

## Class 5.—Ecclesiastical Affairs, including Tithes.

Burnley Rectory (*Vesting endowments in Ecclesiastical Commissioners. Provision for re-endowment and endowment of other benefices. Transfer of advowson to Bishop of Manchester*). Ch. cxxiii.
Cheshire Lines (*Purchase, &c. of St. Andrew's Church, Liverpool*). Ch. cxvi. (ss. 5–7, Sch.).
Church of Scotland Ministers' Widows' Fund (*Amendment of Acts. Incorporation of Trustees. Investment of Funds*). Ch. cxxiv.
Kew and Petersham Vicarage (*Division*). Ch. lxxix.
Oxford Corporation (*Sale and removal of St. Martin's Church, and Union of Benefice and Parish with All Saints*). Ch. ccxxiii. (Part II.).

## Class 5.—Ecclesiastical Affairs, including Tithes—*continued.*

Royal Naval School (New Cross) Disused Chapel Site (*Freeing Chapel and Site from Ecclesiastical uses for purposes of Goldsmiths' Company's Institute*). Ch. viii.

Saint Anne and Saint Mary, Manchester (*Union of Benefices*). Ch. clxv.

Saint John's Chapel, Deritend (*Appointment of Chaplain. Constitution of new Ecclesiastical Parish*). Ch. l.

## Class 6.—Estates.

Belfast Corporation (Various Powers) (*Vesting White Linen Hall Estate in Corporation*). Ch. cv.

Edinburgh Municipal and Police Extension (*Braid Estate*). Ch. iv.

South London Polytechnic Institutes (Borough Road Site) (*Power to Corporation of London to sell portion of Bridge House Estates*). Ch. ix.

## Class 7.—Fisheries.

*Nil.*

## Class 8.—Gaslight Companies and Undertakings.

Birkenhead Corporation (Gas and Water) (*Extension of gas limits. Additional lands*). Ch. xviii.

Bury Corporation (*Power to make railway, &c.*). Ch. lxix.

Canterbury Gas and Water (*Extension of gas limits. Additional gasworks*). Ch. xxvii.

Clayton, Allerton, and Thornton (*New Works*). Ch. vi.

Derby (*Power to make Railways and new gasworks*). Ch. xx.

Falmouth (*Dissolution and re-incorporation*). Ch. xlv.

Gravesend (*Extension of limits. Additional works*). Ch. xxix.

Hartlepool Gas and Water (*Additional gasworks*). Ch. x.

Luton (*Additional lands*). Ch. xxxii.

Pontypool Gas and Water (*Separate accounts*). Ch. lxviii. (s. 40).

Sutton Southcoates and Drypool Gas (Electric Lighting). Ch. ccxvii.

Wallasey Local Board (*Supply to local authorities and others*). Ch. cxxi. (Part VI.).

Ystrad Gas and Water Works (*Separate accounts. Sale of undertaking to Local Authority*). Ch. clx.

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[*For Acts confirming Provisional Orders under the Gas and Water Works Facilities Act,* 1870, *see* Class 19 (5), (8*a*).]

## Class 8A.—Electric Light Companies, &c.

Sutton Southcoates and Drypool Gas (Electric Lighting) (*Transfer of certain powers under Kingston-upon-Hull Electric Lighting Order,* 1890). Ch. ccxvii.

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[*For Acts confirming Provisional Orders under the Electric Lighting Acts,* 1882 *and* 1888, *see* Class 19 (3).]

## Class 9.—Harbours, Docks, Ports, Piers, Quays, &c.

Alexandra (Newport and South Wales) Docks and Railway (*Extension of Time. Exchange of running powers with Pontypridd Company*). Ch. cxi.
Barry Dock and Railways (*New Works*). Ch. lvii.
Bray Township (*Sea wall, promenade, pier, &c. Debenture Stock*). Ch. clxi.
Brighton West Pier (*Incorporation of new Company. Power to acquire and extend Brighton West Pier*). Ch. lxii.
Bute Docks (*Transfer of powers under Rhymney Railway Act*, 1888. *Additional Capital. Running powers*). Ch. cxxxix.
Clyde Lighthouses (*Extension of Time*). Ch. vii.
Clyde Navigation (*Construction of Graving Dock*). Ch. clvi.
Elgin and Lossiemouth Harbour (Loans) (*Improvement of Harbour*). Ch. cxlii.
Folkestone Pier and Lift (*Provision as to borrowing*). Ch. cxlvii.
Great Southern and Western Railway (*Purchase of portion of Deep Water Quay at Queenstown, &c.*). Ch. xxxiii. (s. 20, Sch. II.).
Hastings Harbour (*Incorporation of Commissioners*). Ch. cxliii.
Hull, Barnsley, and West Riding Junction Railway and Dock. Ch. lvi.
Milford Docks (*New Works. Issue of new Debenture Stock. Conversion of existing stocks*). Ch. lxxv.
Newport (Monmouthshire) Harbour (*Amendment of Acts. Incorporation of Commissioners. Construction of ferry works. Collateral security by Corporation of Newport*). Ch. cxliv.
North Sea Fisheries (East Lincolnshire) Harbour and Dock (*Revival of Powers. Extension of Time. Confirmation of Agreements*). Ch. cxxvi.
Port Glasgow Harbour (*Conversion and redemption of Mortgage debt. Alteration of constitution of trust, &c.*). Ch. xxii.
Regents Canal City and Docks Railway (Extension of Time, &c.). Ch. cc.
Ribble Navigation (*Additional works and borrowing powers. Transfer of Freckleton Farm to Urban Sanitary Authority*). Ch. xlii.
Tyne Improvement (*Consolidation of funds. Amendment of provisions for elections of Commissioners and levying, &c. of rates. Superannuation fund*). Ch. xxviii.
West Highland Railway (*Construction of Pier*). Ch. cxviii.

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[*For Acts confirming Provisional Orders under the General Pier and Harbour Act*, 1861, *see* Class 19 (6).]

## Class 10.—Improvements in Towns, Municipal and County and Local Government Matters, Markets, &c.

Accrington Corporation (Consolidation of Loans) (*Sanitary provisions. Borrowing*). Ch. lxiii.
Anglesey Act Repeal (2 & 3 Ed. vi., c. 54., *for keeping of Sessions, &c. in Beaumaris*). Ch. xcvi.
Baildon Local Board Water. Ch. xvii.
Belfast Corporation (Various Powers) (*Vesting White Linen Hall Estate in Corporation*). Ch. cv.
Belfast Parliamentary Borough Registration. Ch. cxli.
Birkenhead Corporation (Gas and Water). Ch. xviii.

## Class 10.—Improvements in Towns, Municipal and County and Local Government Matters, Markets, &c.—*continued.*

Bootle Corporation. Ch. ccxix.
Bradford Corporation Waterworks. Ch. ccxxxi.
Bray Township (*Sea wall, promenade, pier, &c. Debenture Stock*). Ch. clxi.
Broxborne and Hoddesdon Open Spaces and Recreation Grounds. Ch. xlvii.
Bristol Floods Prevention (*Power to Corporation for construction of works, &c.*). Ch. cix.
Bury Corporation Gas (*Power to make railway, &c.*). Ch. lxix.
Columbia Market Railways (Abandonment). Ch. iii.
Croydon Improvement (*Street Improvements. New Town Hall and Public Library. Additional Lands and borrowing powers*). Ch. lii.
Derby Corporation (*Waterworks. Extension of Derby Union, &c.*). Ch. liv.
Dewsbury and Heckmondwike Water. Ch. cl.
Dublin Corporation (*Buildings. Streets. Sanitary Matters. Collection of Rates, &c.*). Ch. ccxlvi.
East Stonehouse Local Board (*Borrowing power for settlement of claims arising out of fraudulent issue of certain Mortgages*). Ch. ccxxxii.
Edinburgh Municipal and Police Extension (*Acquisition of Braid Hills for Public Park. Extension of Burgh. Regulation of Games. Historical Monuments, &c.*). Ch. iv.
Falkirk Corporation (*Transfer of Feuars property. Extension of Burgh. Additional borrowing powers. Licences.*). Ch. xiv.
Glasgow Corporation (*Construction, &c. of River Walls*). Ch. clii.
Glasgow Court Houses (*Additional lands, reconstruction of buildings and Sale or lease of portion to County Council of Lanarkshire. Borrowing powers*). Ch. lviii.
Glasgow Police (Amendment) (*Sanitary and borrowing Powers*). Ch. ccxxi.
Huddersfield Corporation Waterworks. Ch. cxv.
Huddersfield Tramways and Improvement. Ch. lv.
Leicester Corporation Waterworks. Ch. xxxvi.
Liverpool Corporation (*Assimilation of parochial and municipal boundaries. Power to utilize public baths, &c. not required. Water*). Ch. clxix.
London Council (General Powers). Ch. ccxliii.
London Streets (Removal of Gates). Ch. ccxlvii.
Morley Corporation Water. Ch. cli.
Oxford Corporation. Ch. ccxxiii.
Plymouth Corporation (*Acquisition of Fish Market Works*). Ch. ccxi.
Pontypridd (Mill Street and Rhondda Road, &c.) Improvements. Ch. cxxv.
Ribble Navigation (*Power to Corporation of Preston to construct new works and borrow Additional Money. Transfer of Freckleton Farm to Urban Sanitary Authority*). Ch. xlii.
Richmond Footbridge, Sluices, Lock, and Slipway (*Construction by Sanitary Authorities in default of Thames Conservators*). Ch. ccxxiv.
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## Class 10.—Improvements in Towns, Municipal and County and Local Government Matters, Markets, &c.—*continued.*

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Warrington Extension and Water. Ch. ccxxxvi.
Westminster (Parliament Street, &c.) Improvements (*Extension of Time*). Ch. ccv.

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[*For Acts confirming Provisional Orders under Acts relating to subjects embraced in this Class, see* Class 19.]

## Class 11.—Parks, Commons, and Open Spaces.

Broxborne and Hoddesdon Open Spaces and Recreation Grounds. Ch. xlvii.
Derby Corporation (*Acquisition of New Uttoxeter Road Recreation Ground*). Ch. liv. (s. 50).
Edinburgh Municipal and Police Extension (*Acquisition of Braid Hills for Public Park. Regulation of games, &c.*). Ch. iv.
London Council (General Powers) (*Further Powers for acquisition, &c. of Parks and Open Spaces*). Ch. ccxliii.
Tottenham Local Board. Ch. ccxliv. (Part II.)
Tunbridge Wells Improvement (*Transfer of the Grove. Acquisition of rights in Rusthall Commons, appointment of Conservators, powers as to preservation, &c.*). Ch. ccxxxv. (Parts XIII., XIV.).

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[*For Act confirming Provisional Order in pursuance of Report of the Board of Agriculture, see* Class 19 (7).]

## Class 12.—Parish Affairs.

Derby Corporation (*Alteration of Parishes, &c.*). Ch. liv. (s. 39–46).
Oxford Corporation (*Union of Parishes of St. Martin and All Saints*). Ch. ccxxiii. (s. 9).

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[*For Acts confirming Provisional Orders under Elementary Education Act and Poor Law Amendment Act,* 1867, *see* Class 19 (4), (8c).]

## Class 13.—Personal Affairs.

### *Naturalization.*

Martin, Maria Matilde Petronade Francisco (Widow). (*Not printed.*)
Pohl, Ernest Edward. (*Not printed.*)

## Class 14.—Railways.

Alexandra (Newport and South Wales) Docks and Railway (*Extension of Time. Exchange of running powers with Pontypridd Company*). Ch. cxi.

Barry Dock and Railways (*New works*). Ch. lvii.

Belfast and Northern Counties (*Further powers. Amalgamation with Carrickfergus and Larne Railway Company*). Ch. xxiii.

Bexley Heath (*Extension of Time, Working Agreement*). Ch. ccxviii.

Bray and Enniskerry (*Revival of powers. Extension of Time. Additional capital and division of shares. Working Agreements Change of name. Electric Power*). Ch. xxi.

Brechin and Edzell District (*Incorporation of Company*). Ch. cxx.

Burnley, Clitheroe, and Sabden (Abandonment). Ch. xxxiv.

Bury Corporation Gas (*Power to make railway, &c.*). Ch. lxix.

Bute Docks (*Transfer of powers under Rhymney Railway Act*, 1888. *Additional Capital. Running powers*). Ch. cxxxix.

Caledonian (Additional Powers). Ch. cxxxi.

Caledonian (Conversion of Stock). Ch. cxxxv.

Caledonian (Edinburgh, Leith, and Newhaven Extension Lines). Ch. clxvii.

Cathcart District (*Revival of powers and Extension of time. Additional Capital. Power to Caledonian Railway Company to subscribe*). Ch. xix.

Cheltenham Station (*Incorporation of Company*). Ch. ccxii.

Cheshire Lines (*Additional powers. Purchase, &c. of St. Andrew's Church, Liverpool*). Ch. cxvi.

City and South London (*Change of name. Extension to Clapham*). Ch. cxiv.

Cleveland Extension Mineral (*Revival of powers and Extension of Time*). Ch. cci.

Clyde Navigation (*Extension of time for certain railway*). Ch. clvi. (ss. 21, 22).

Columbia Market (Abandonment). Ch. iii.

Cork and Fermoy and Waterford and Wexford (*Incorporation of Company*). Ch. ccxlii.

Cornwall Minerals (*New Railway. Separate undertaking*). Ch. xl.

Crieff and Comrie (*Incorporation of Company*). Ch. cxxii.

Derby Gas (*Power to make railways, &c.*). Ch. xx.

East and West Yorkshire Union (*Abandonment of part. Extension of Time for other part. Release of deposits*). Ch. cxxvii.

East Usk (*Revival of Powers and Extension of Time*). Ch. xli.

Easton and Church Hope (*Revival of Powers and Extension of Time*). Ch. cxii.

Felixstowe and Bawdsey Ferry (Extension of Time). Ch. xxxv.

Forfar and Brechin (*Incorporation of Company*). Ch. clxvi.

Forth Bridge (*Additional Capital*). Ch. xxxviii.

Garve and Ullapool (*Incorporation of Company*). Ch. ccxxxiii.

Great Eastern (General Powers). Ch. cviii.

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# INDEX

TO THE

# PUBLIC GENERAL STATUTES,

## 53 & 54 VICTORIA.—A.D. 1890.

NOTE.—The capital letters placed after the chapter have the following signification:—

| | | | |
|---|---|---|---|
| E. | *that the Act relates to* | | England (and Wales, if it so extend). |
| S. | " | " | Scotland exclusively. |
| I. | " | " | Ireland exclusively. |
| E & I. | " | " | England and Ireland. |
| E. & S. | " | " | England and Scotland. |
| U.K. | " | " | Great Britain and Ireland (and Colonies, if it so extend). |
| Ind. | " | " | India specially. |
| C. | " | " | The Colonies specially, or any of them. |

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31. Application of Act.
32. Interpretation of terms.
33. Repeal.
34, 35. Commencement and short title.
SCHEDULES.

CONSOLIDATED FUND:
(No. 1.) To apply certain sums out of the Consolidated Fund to the service of the years ending on the 31st March 1889, 1890, and 1891. Ch. 1. U.K. Page 1.
(No. 2.) To apply the sum of 11,850,436*l.* out of the Consolidated Fund to the service of the year ending on the 31st March 1891. Ch. 28. U.K. Page 213.

APPROPRIATION:
To apply a sum out of the Consolidated Fund to the service of the year ending on the 31st March 1891, and to appropriate the Supplies granted in this Session of Parliament. Ch. 72. U.K. Page 625.

CONSULAR MARRIAGE ACTS, Amendment of. *See* MARRIAGE ACT.

CONTAGIOUS DISEASES (ANIMALS) (PLEURO-PNEUMONIA):
For conferring further powers under the Contagious Diseases (Animals) Acts, 1878 to 1886, with respect to Pleuro-pneumonia. Ch. 14. U.K. Page 146.
§ 1. Slaughter by Board of Agriculture in cases of pleuro-pneumonia, and payment of compensation.
2. As to expenses of Act in Great Britain.
3. Information by inspector of local authority.
4. Powers of inspectors of Board of Agriculture.
5. Application of Act to Ireland.
6. Supplemental provisions as to Cattle Pleuro-pneumonia Accounts, and Local Taxation Accounts.
7. Partial repeal of 41 & 42 Vict. c. 74. s. 21.
8. Short title, and construction of Act.
9. Commencement of Act.

CORRUPT PRACTICES. *See* ELECTIONS (SCOTLAND) (CORRUPT AND ILLEGAL PRACTICES) ACT.

COUNTY COUNCILS. *See* LOCAL GOVERNMENT.

COUNTY COUNCILS ASSOCIATION EXPENSES:
To remove doubts as to the legality of certain payments by County Councils. Ch. 3. E. Page 3.

COUNTY COURTS, Powers of, with respect to lunatics. *See* LUNACY ACT.

——— Powers of, with respect to Winding up of Companies. *See* COMPANIES (WINDING UP) ACT.

CROWN OFFICE:
To abolish the Office of Secretary of Presentations, and to provide for the performance of the duties attached to that office. Ch. 2. E. Page 2.

CURRANTS, Reduction of duty on. *See* CUSTOMS AND INLAND REVENUE ACT (c. 8, s. 3).

CUSTOMS AND EXCISE DUTIES, Application of, to Local Taxation Accounts. *See* LOCAL TAXATION (CUSTOMS AND EXCISE) ACT.

——— Distribution of sums granted out of, for Police Superannuation. *See* LOCAL TAXATION (CUSTOMS AND EXCISE) ACT (c. 60, s. 5); POLICE ACT (c. 45, s. 17); POLICE (SCOTLAND) (c. 67, s. 17).

CUSTOMS AND INLAND REVENUE:

To grant certain Duties of Customs and Inland Revenue, to repeal and alter other Duties, and to amend the Laws relating to Customs and Inland Revenue. Ch. 8. U.K. Page 126.

§ 1. Short title.

PART I.—CUSTOMS AND EXCISE.

2. Import duty on tea.
3. Reduction of duty on currants.
4. Additional duty of Customs on spirits.
5. Alteration of Customs duties on certain goods containing spirits.
6. Additional duty of excise on spirits.
7. Payment of local taxation (Customs and Excise) duties to local taxation accounts of England, Scotland, and Ireland.
8. Wine may be made sparkling in warehouse and bottled subject to duty imposed on imported sparkling wine by 51 & 52 Vict. c. 14.
9. Excise licence to apply to one set of premises only.

PART II.—REPEAL OF DUTIES ON PLATE, AND PROVISIONS AS TO SILVER PLATE IN STOCK.

10. Repeal of duties on plate.
11. Allowance in respect of plate of silver.
12. Rules to be observed by trader on claiming allowance.
13. Mode of payment of allowance.
14. Officer may enter premises of trader.
15. Traders who have sold plate as duty paid to deduct or repay the allowance.
16. Power to close assay offices.
17. Saving.

PART III.—STAMPS.

18. Construction of 51 & 52 Vict. c. 8. s. 12.
19. Reduction of duty on certain apprenticeship indentures.
20. Duty on sickness policies.
21. Exemption of revenue remittance bills.

PART IV.—TAXES.

22. Grant of duties of income tax.
23. Relief to trading or professional persons and farmers in case of losses.
24. Assessments on estate of deceased persons.
25. Inhabited house duty reduced as respects houses of small annual value.
26. Reduction of inhabited house duty in the case of lodging-houses and exemption of houses for artizans dwellings.
27. Amendment of s. 6 of 47 & 48 Vict. c. 62. Inns of Court. Lambeth.
28. Assessment of Universities of Oxford and Cambridge.
29. " income tax under Schedules (A.) and (B.) and of the inhabited house duties for the year 1890–91.
30. Provisions of Income Tax Acts to apply to duties to be granted for succeeding year.

PART V.—METHYLATED SPIRITS.

31. Exemption of methylated spirits from duty.
32. Amendment of 43 & 44 Vict. c. 24.
33. Penalty for breach of regulations.
34. Customs provisions.
35. Construction of part.
36. Repeal.

SCHEDULES.

CUSTOMS CONSOLIDATION ACT, 1876, AMENDMENT:
To further amend the Customs Consolidation Act, 1876. Ch. 56. U.K. Page 466.

## D.

DAIRIES, Inspection of, and power to prohibit supply of milk from, in cases of Infectious Disease. *See* INFECTIOUS DISEASE (PREVENTION) ACT (c. 34, s. 4).

DANCING AND MUSIC LICENCES, Provisions respecting. *See* PUBLIC HEALTH ACTS AMENDMENT ACT (c. 59, s. 51).

DEAF-MUTE CHILDREN (SCOTLAND), Education of. *See* EDUCATION OF BLIND AND DEAF-MUTE CHILDREN (SCOTLAND) ACT.

DEBTORS. *See* BANKRUPTCY; DEEDS OF ARRANGEMENT AMENDMENT.

DEEDS OF ARRANGEMENT AMENDMENT:
To amend the Law relating to Deeds of Arrangement. Ch. 24. I. Page 173.

DIRECTORS LIABILITY:
To amend the Law relating to the Liability of Directors and others for Statements in Prospectuses and other Documents soliciting applications for Shares or Debentures. Ch. 64. U.K. Page 516.

DISEASE (INFECTIOUS). *See* INFECTIOUS DISEASE (PREVENTION) ACT.

DISEASES (ANIMALS). *See* CONTAGIOUS DISEASES (ANIMALS) (PLEUROPNEUMONIA) ACT.

DISINFECTION OF PUBLIC CONVEYANCES IF USED FOR CARRYING CORPSES. *See* INFECTIOUS DISEASE (PREVENTION) ACT (c. 34, s. 11).

DRAINAGE. *See* RIVER SUCK DRAINAGE (PROVISION OF FUNDS) ACT.

DRUGGISTS (IRELAND). *See* PHARMACY ACT (IRELAND) AMENDMENT ACT.

DWELLING-HOUSE IMPROVEMENT FUND, Formation of. *See* HOUSING OF THE WORKING CLASSES ACT (c. 70, s. 24).

## E.

EDUCATION CODE (1890):
For the purpose of making operative certain Articles in the Education Code, 1890. Ch. 22. E. Page 171.

EDUCATION DEPARTMENT PROVISIONAL ORDERS CONFIRMATION. *See* Table II., Ch. cii. (London). Ch. ciii. (West Ham).

EDUCATION OF BLIND AND DEAF-MUTE CHILDREN (SCOTLAND):
To amend the Law in regard to the Education of Blind and Deaf-mute Children in Scotland. Ch. 43. S. Page 325.

ELECTIONS. *See* BELFAST PARLIAMENTARY BOROUGH REGISTRATION; ELECTIONS (SCOTLAND) (CORRUPT AND ILLEGAL PRACTICES); MUNICIPAL ELECTIONS (SCOTLAND); PARLIAMENTARY REGISTRATION EXPENSES (IRELAND).

ELECTIONS (SCOTLAND) (CORRUPT AND ILLEGAL PRACTICES):

For the better prevention of Corrupt and Illegal Practices at Elections in Scotland other than Parliamentary Elections. Ch. 55. S. Page 442.

§ 1. Short title.
2. Definitions.

*Corrupt Practices.*

3. General penalties for corrupt practices.
4. Incapacity of candidate guilty of corrupt practice.
5. Avoidance of election for general corruption.
6. Striking off votes.
7. Personation.

*Illegal Practices.*

8. Certain expenditure to be illegal practice.
9. Expense in excess of the maximum to be illegal practice.
10. Voting by prohibited persons, and publishing of false statements of withdrawal to be illegal.
11. Punishment on conviction of illegal practice.
12. Incapacity of candidate guilty of illegal practice.

*Illegal Payment, Employment, and Hiring.*

13. Providing of money for illegal practice or payment to be illegal practice.
14. Employment of hackney carriages or of carriages and horses kept for hire.
15. Corrupt withdrawal from a candidature.
16. Certain expenditure to be illegal payment.
17. Certain employment to be illegal.
18. Name and address of printer on placards.
19. Saving for creditors.
20. Use of certain premises for committee rooms or meetings to be illegal hiring.
21. Punishment of illegal payment, employment, or hiring.
22. Avoidance of election for extensive illegal practices, &c.

*Excuse and Exception for Corrupt or Illegal Practice, or Illegal Payment, Employment, or Hiring.*

23. Exoneration of candidate in certain cases of corrupt and illegal practice by agents.
24. Power of election court to except innocent act from being illegal practice, &c.

*Claims and Payments for Election Expenses.*

25. Sending in claims and making payments for election expenses.

*Disqualification of Electors.*

26. Prohibition of persons guilty of offences from voting.
27. Prohibition of disqualified persons from voting.
28. Hearing of person before he is found guilty of corrupt or illegal practice, and incapacity of person found guilty.
29. Omission from list of voters of persons incapacitated from voting by corrupt or illegal practices.

*Election Petitions.*

30. Power to question election by petition.
31. Presentation of petition.
32, 33. Time for presentation; security for costs.
34. Procedure where several respondents or petitions.

ELECTIONS (SCOTLAND) (CORRUPT AND ILLEGAL PRACTICES)—*continued.*

§ 35. Constitution of election court.
36. Trial of election petition.
37. Witnesses.
38. Withdrawal of petition.
39. Abatement of petition.
40. Withdrawal and substitution of respondents.
41. Attendance of advocate depute or procurator fiscal on trial of election petition, and prosecution of offenders.
42. Expenses of election petitions.
43. Payment of travelling expenses &c. of sheriff.
44. Acts done pending a petition not invalidated.
45. Provisions as to elections in the room of persons unseated on petition.
46. Prohibition of disclosure of vote.

*Miscellaneous.*

47. Rules of procedure and jurisdiction.
48. Person incapacitated by conviction to vacate seat or office.
49. General provisions as to prosecution of offences under this Act.
50. Service of notices.
51. Number of electors, how to be ascertained.
52. Application of Act to other elections.
53. Repeal.
54, 55. Commencement and extent of Act.
SCHEDULES.

ELECTRIC LIGHTING (SCOTLAND):
To amend the Electric Lighting Acts, 1882 and 1888. Ch. 13. S. Page 143.

ELECTRIC LIGHTING ORDERS CONFIRMATION. *See* Table II., Ch. clxxxvi.; Ch. clxxxvii. (No. 2); Ch. clxxxviii. (No. 3); Ch. clxxxix. (No. 4); Ch. cxc. (No. 5); Ch. cxci. (No. 6); Ch. cxcii. (No. 7); Ch. cxciii. (No. 8); Ch. cxciv. (No. 9); Ch. cxcv. (No. 13); Ch. cxcvi. (No. 10); Ch. cxcvii. (No. 11); Ch. cxcviii. (No. 12); Ch. cxcix. (No. 14); Ch. ccxxxix. (No. 15).

ELEMENTARY EDUCATION. *See* EDUCATION CODE (1890) ACT.

ESTATES, Administration of. *See* INTESTATES ESTATES ACT.

EXCISE. *See* CUSTOMS AND EXCISE DUTIES; CUSTOMS AND INLAND REVENUE ACT (c. 8, Part I.); INLAND REVENUE REGULATION; LOCAL TAXATION (CUSTOMS AND EXCISE).

EXPIRING LAWS CONTINUANCE:
To continue various expiring Laws. Ch. 49. U.K. Page 366.

EXPLOSIONS. *See* BOILER EXPLOSIONS.

## F.

FACTORS (SCOTLAND):
To extend the provisions of the Factors Act, 1889, to Scotland. Ch. 40. S. Page 308.

FINANCE. *See* BARRACKS; CONSOLIDATED FUND; CUSTOMS AND INLAND REVENUE; LOCAL TAXATION (CUSTOMS AND EXCISE); PUBLIC WORKS LOANS; RIVER SUCK DRAINAGE (PROVISION OF FUNDS); SOUTH INDIAN RAILWAY PURCHASE.

FISHERIES. *See* HERRING FISHERY (SCOTLAND) ACT AMENDMENT ACT.

FOOTPATHS, Provisions for flagging. *See* METROPOLIS MANAGEMENT ACT, 1862, AMENDMENT ACT.

FOREIGN JURISDICTION:
To consolidate the Foreign Jurisdiction Acts. Ch. 37. U.K. Page 286.

§ 1. Exercise of jurisdiction in foreign country.
2. " over British subjects in countries without regular Governments.
3. Validity of acts done in pursuance of jurisdiction.
4. Evidence as to existence or extent of jurisdiction in foreign country.
5. Power to extend enactments in First Schedule.
6. Power to send persons charged with offences for trial to a British possession.
7. Provision as to place of punishment of persons convicted.
8. Validity of acts done under Order in Council.
9. Power to assign jurisdiction to British courts in cases within Foreign Jurisdiction Act.
10. Power to amend Orders in Council.
11. Laying before Parliament, and effect of Orders in Council.
12. In what cases Orders in Council void for repugnancy.
13. Provisions for protection of persons acting under Foreign Jurisdiction Acts.
14. Jurisdiction over ships in certain Eastern seas.
15. Provision as to subjects of Indian princes.
16. Definitions.
17. Power to repeal or vary Acts in Second Schedule.
18. Repeal.
19. Short title.
SCHEDULES.

——— *See also* COLONIAL COURTS OF ADMIRALTY ACT (c. 27, s. 12).

## G.

GAS ORDERS CONFIRMATION. *See* Table II., Ch. xcix. (No. 2); Ch. ccvi. (No. 1).

——— *See also* LOCAL GOVERNMENT BOARD'S PROVISIONAL ORDER CONFIRMATION (GAS) Table II., Ch. xcv.

GAS AND WATER ORDERS CONFIRMATION. *See* Table II., Ch. clxxxiii.

GOLD PLATE, Repeal of Duties on. *See* CUSTOMS AND INLAND REVENUE ACT (c. 8, Part II.).

## H.

HEALTH, PUBLIC. *See* PUBLIC HEALTH.

HELIGOLAND, Cession of, to German Emperor. *See* ANGLO-GERMAN AGREEMENT ACT.

HERRING FISHERY (SCOTLAND) ACT AMENDMENT:
To amend the Herring Fishery (Scotland) Act, 1889. Ch. 10. S. Page 141.

HIGHWAYS AND LOCOMOTIVES (AMENDMENT) ACT, 1878, Provisional Orders under. *See* LOCAL GOVERNMENT BOARD'S PROVISIONAL ORDERS CONFIRMATION (HIGHWAYS), Table II., Ch. xliii.

HOLYHEAD. *See* SHREWSBURY AND HOLYHEAD ROAD (ANGLESEY AND CARNARVON) Table II., Ch. clxxxv.

HOSPITALS FOR BURGHS (SCOTLAND). *See* PUBLIC HEALTH AMENDMENT (SCOTLAND) ACT.

HOUSING OF THE WORKING CLASSES:

To consolidate and amend the Acts relating to Artizans and Labourers Dwellings and the Housing of the Working Classes. Ch. 70. U.K. Page 553.

§ 1. Short title.

PART I.—UNHEALTHY AREAS.

2. Definitions.
3. Application of Part I. of Act.

*Scheme by Local Authority.*

4. Local authority on being satisfied by official representation of the unhealthiness of district to make scheme for its improvement.
5. Official representation, by whom to be made.
6. Requisites of improvement scheme of local authority.

*Confirmation of Scheme.*

7. Publication of notices. Service of notices.
8. Making and confirmation of provisional order.
9. Costs to be awarded in certain cases.
10. Inquiry on refusal of local authority to make an improvement scheme.

*Provision of Dwelling Accommodation for Working Classes displaced by Scheme.*

11. Requisites of improvement scheme as to accommodation of working classes.

*Execution of Scheme by Local Authority.*

12. Duty of local authority to carry scheme, when confirmed, into execution.
13. Completion of scheme on failure by local authority.
14. Notice to occupiers by placards.
15. Power of confirming authority to modify authorised scheme.

*Inquiries with respect to Unhealthy Areas.*

16. Inquiry on default of medical officer in certain cases.
17. Proceedings on local inquiry.
18. Notice of inquiry to be publicly given.
19. Power to administer oath.

*Acquisition of Land.*

20. Acquisition of land.
21. Special provision as to compensation.
22. Extinction of rights of way and other easements.
23. Application of lands for accommodation of working classes.

*Expenses.*

24. Formation of improvement fund for purposes of Act.
25. Power of borrowing money for the purposes of Part I. of Act.

*General Provisions.*

26. Provision in case of absence of medical officer of health.
27. Power of confirming authority as to advertisements and notices.
28. " " " to dispense with notices in certain cases.

PART II.—UNHEALTHY DWELLING HOUSES.

*Preliminary.*

29. Definitions.

*Buildings unfit for Human Habitation.*

30. Representation by medical officer of health.
31. " on householders' complaint.

*Closing Order and Demolition.*

32. Duty of local authority as to closing of dwelling-house unfit for human habitation.
33. Order for demolition of house unfit for habitation.

HOUSING OF THE WORKING CLASSES—*continued.*

§ 34. Execution of an order for demolition, and provision as to site.
35. Appeal against order of local authority.
36. Grant of charges by way of annuity to owner on completion of works.
37. Incidence of charge.

*Obstructive Buildings.*

38. Power to local authority to purchase houses for opening alleys, &c.

*Scheme for Reconstruction.*

39. Scheme for area comprising houses closed by closing order.
40. Provisions for accommodation of persons of the working classes.
41. Compensation. Provisions as to arbitration.
42–44. Expenses and borrowing.
45. Powers of county councils.
46. Application of part of Act to London.

*Supplemental.*

47. Provision as to superior landlord.
48. Remedies of owner for breach of covenant, &c. not to be prejudiced.
49. Service of notices.
50. Description of owner in proceedings.
51. Penalty for preventing execution of Act.
52. Report to local authority by county medical officer.

PART III.—WORKING CLASS LODGING HOUSES.

*Adoption of Part III.*

53. Definition of purposes of Labouring Classes Lodging Houses Acts.
54. Adoption of this part of Act.
55. Provisions in case of adoption by rural sanitary authority.

*Execution of Part III. by Local Authority.*

56. Powers of local authority.
57. Acquisition of land.
58. Local authority may purchase existing lodging houses.
59. Erection of lodging houses.
60. Sale and exchange of lands.

*Management of Lodging Houses.*

61. Management to be vested in local authority.
62. Byelaws for regulation of lodging houses.
63. Disqualification of tenants of lodging houses on receiving parochial relief.
64. When lodging houses are considered too expensive they may be sold.

*Expenses and Borrowing of Local Authorities.*

65. Payment of expenses.
66. Borrowing for purposes of Part III.

*Loans to and Powers of Companies, Societies, and Individuals.*

67. Loans by Public Works Commissioners.
68. Powers to companies.
69. Power to water and gas companies to supply water and gas to lodging houses.
70. Inspection of lodging houses.
71. Application of penalties.

PART IV.—SUPPLEMENTAL.

72. Limit of area to be dealt with on official representation.
73. Provisions as to parts of Act under which reports are to be dealt with in county of London.
74. Amendment of 45 & 46 Vict. c. 38., as regards erection of buildings for working classes.
75. Condition to be implied on letting houses for the working classes.
76. Medical officer of health in county of London.
77. Power to local authority to enter and value premises.
78. Compensation to tenants for expense of removal.

HOUSING OF THE WORKING CLASSES—*continued.*

§ 79. Duties of medical officer of health.
80. Accounts and audit.
81. Power of local authority to appoint committees.
82. Application of purchase money.
83. Rates of loans by Public Works Loan Commissioners.
84. Application of certain provisions as to byelaws.
85. Local inquiries.
86. Orders, notices, &c.
87. Service of notice, &c. on the local authority.
88. Prohibition on persons interested voting as members of local authority.
89. Penalty for obstructing the execution of Act.
90. Punishment of offences and recovery of fines.
91. Powers of Act to be cumulative.
92, 93. Definitions.

PART V.—APPLICATION OF ACT TO SCOTLAND.

94. Modification as respects reference to Scotch Acts.
95. Modifications as regards legal proceedings in Scotland.
96. Miscellaneous modifications.
97. Provision as to superior of lands for purpose of Part II.

PART VI.—APPLICATION OF ACT TO IRELAND.

98. Modification in application of Act to Ireland.
99. Adoption of Part III. of Act by town commissioners of small towns in Ireland.
100. Incorporation of sections of 10 & 11 Vict. c. 16. for purposes of Part III. of Act.
101. Power of making byelaws for labourers dwellings in Ireland.

PART VII.

102, 103. Repeal and temporary provisions.
SCHEDULES.

# I.

IMPROVEMENT SCHEMES FOR UNHEALTHY AREAS. *See* HOUSING OF THE WORKING CLASSES ACT.

INCLOSURE ACTS, Provisional Order under. *See* COMMONS REGULATION (CLEEVE) PROVISIONAL ORDER CONFIRMATION Table II., Ch. lxxviii.

INCOME TAX. *See* CUSTOMS AND INLAND REVENUE ACT (c. 8, s. 22).

——— Relief to traders, &c., in case of losses. *See* CUSTOMS AND INLAND REVENUE ACT (c. 8, s. 23).

INCOME TAX ACTS, Application of, to duties to be granted for succeeding year. *See* CUSTOMS AND INLAND REVENUE ACT (c. 8, s. 30).

INDIA, ACT RELATING EXCLUSIVELY TO. *See* SOUTH INDIAN RAILWAY PURCHASE ACT.

INFECTIOUS DISEASE (PREVENTION):

To prevent the spread of Infectious Disease. Ch. 34, E. & I. Page 278.

§ 1. Short title.
2. Definitions.
3. Extent of Act.
4. Inspection of dairies in certain cases: power to prohibit supply of milk.
5. Cleansing and disinfecting of premises, &c.
6. Disinfection of bedding, &c.

INFECTIOUS DISEASE (PREVENTION)—*continued.*

§ 7. Penalty on persons ceasing to occupy houses without previous disinfection or giving notice to owner, or persons making false answers.
8. Prohibiting retention of dead bodies in certain cases.
9. Bodies of persons dying of infectious diseases in hospital, &c., to be removed only for burial.
10. Justices may in certain cases order dead bodies to be buried.
11. Disinfection of public conveyances if used for carrying corpses.
12. Detention of infected person without proper lodging in hospital by order of justice.
13. Infectious rubbish thrown into ashpits, &c., to be disinfected.
14. Notice of certain provisions.
15. Temporary shelter, &c.
16. Penalties.
17. Power of entry for purposes of s. 5.
18. Recovery and application of penalties.
19. Superseding in certain cases of provisions in local Acts.
20. Expenses.
21. Power of local authority to rescind adoption of Act.
22. Extent of Act.
23. Application of Act to Ireland.
24. Saving for Acts relating to dairies, animals, &c.

INHABITED HOUSE DUTY, Reduction of in certain cases. *See* CUSTOMS AND INLAND REVENUE ACT (c. 8, ss. 25, 26).

INLAND REVENUE. *See* CUSTOMS AND INLAND REVENUE; INLAND REVENUE REGULATION.

INLAND REVENUE REGULATION:

To consolidate certain enactments relating to the Regulation of the Inland Revenue. Ch. 21. U.K. Page 156.

*Commissioners and Officers.*

§§ 1–3. Appointment of Commissioners; their quorum and offices.
4. Appointment of collectors, officers, and other persons.
5. Provisions as to bonds and deposits of stock.
6. Accountant General and Receiver-General.
7. Collector or officer not to deal in exciseable goods.
8. Privileges of Commissioners and officers.
9. Salaries and superannuation allowances not assignable or subject to be taken in execution.
10. Penalty on persons entering into collusive agreement.
11. Obstruction of officers.
12. Unlawful assumption of character of officer.

*Accounts.*

13, 14. Commissioners and collectors to keep accounts.
15. Collectors to apply and remit duties as ordered by Commissioners.
16. All revenue to be paid over.
17. Mode of remitting money to Receiver-General.
18. Revenue paid into Bank of England to be placed to an account.
19. Entry of receipts by Bank from or on account of Receiver-General.
20. Money to be paid to Exchequer.

*Legal Proceedings.*

21. Institution of proceedings for fines, &c.
22, 23. Proceedings in the High Court; service of process.
24. Rules as to evidence in certain cases.
25. Procedure for condemnation of seizures.
26. „ on seizure of horses, cattle, or perishable goods.
27. Officers may conduct proceedings before justices.
28, 29. Protection of officers.

*Fines, Penalties, and Forfeitures.*

30, 31. Seizure and disposal of forfeitures.
32. Power to reward informers.
33. Application of fines.

INLAND REVENUE REGULATION—*continued.*

§ 34. Expenses of prosecutions.
35. Power to mitigate fines and stay proceedings.
36. Recovery of fines imposed by this Act.

*Construction.*

37. Meaning of certain expressions in past Acts, &c.
38. General definitions in Revenue Acts.
39. Definitions.
40. Repeal.
41, 42. Commencement; short title.
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INNS OF COURT, Exclusion of, from operation of 47 & 48 Vict. c. 62, s. 6. *See* CUSTOMS AND INLAND REVENUE ACT (c. 8, s. 27).

INSURANCE, Duty on Sickness policies of. *See* CUSTOMS AND INLAND REVENUE ACT (c. 8, s. 20).

INTESTATES ESTATES:

To amend the Law by making better provision for the Widows of certain Intestates in the distribution of such Intestates' Property. Ch. 29. E. & I. Page 214.

IRELAND, ACTS RELATING EXCLUSIVELY TO. *See*—

BELFAST PARLIAMENTARY BOROUGH REGISTRATION.
CENSUS.
DEEDS OF ARRANGEMENT AMENDMENT.
LOCAL GOVERNMENT BOARD (IRELAND) ORDERS CONFIRMATION.
PARLIAMENTARY REGISTRATION EXPENSES.
PAUPER LUNATIC ASYLUMS, IRELAND, SUPERANNUATION.
PHARMACY ACT (IRELAND), 1875, AMENDMENT.
POOR LAW ACTS (IRELAND) AMENDMENT.
RAILWAYS.
RIVER SUCK DRAINAGE (PROVISION OF FUNDS).
TRAMWAYS ORDER IN COUNCIL (IRELAND) SOUTH CLARE RAILWAYS CONFIRMATION.

## J.

JAPAN, Jurisdiction over ships within 100 miles from coast of. *See* FOREIGN JURISDICTION ACT (c. 37, s. 14).

JURY, Inquiry before, in inquisitions as to lunacy. *See* LUNACY ACT (c. 5, ss. 90–99).

JUSTICE, ADMINISTRATION OF. *See* ADMINISTRATION OF JUSTICE.

## K.

KEW AND PETERSHAM VICARAGE. *See* Table II., Ch. lxxix.

KILLEANY PIER, Remission of loan in respect of. *See* PUBLIC WORKS LOANS ACT (c. 50, s. 4).

## L.

LABOURING CLASSES LODGING HOUSES ACTS, Consolidation of. *See* HOUSING OF THE WORKING CLASSES ACT.

LAMBETH, Exclusion of Parish of, from operation of 47 & 48 Vict. c. 62, s. 6 (2). *See* CUSTOMS AND INLAND REVENUE ACT (c. 8, s. 27).

LANCASTER, COUNTY PALATINE OF, Vice-Chancellor to retain office after vacancy in office of Chancellor. *See* CHANCERY OF LANCASTER ACT (c. 23, s. 7).

LANCASTER, Palatine Court of. *See* CHANCERY OF LANCASTER; COMMISSIONERS FOR OATHS AMENDMENT.

LAND. *See*—

ALLOTMENTS.
BARRACKS.
HOUSING OF THE WORKING CLASSES.
INTESTATE ESTATES.
OPEN SPACES.
PUBLIC HEALTH (RATING OF ORCHARDS).
SETTLED LAND.
TENANTS COMPENSATION.
TRUSTEES APPOINTMENT.
WORKING CLASSES DWELLINGS.

LAND HELD FOR CHARITABLE PURPOSES, Power to grant, for Public Libraries. *See* PUBLIC LIBRARIES ACTS AMENDMENT ACT (c. 68, s. 8).

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7. Special power to expend money for purposes of main drainage and main sewers.
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9. " " boards of guardians.
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11. Power to lend to School Board for London.
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15. Power for Council after issue of stock to apply money raised by stock to make up dividends from fixed dates.
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## M.

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## O.

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POLICE:

To make provision respecting the Pensions, Allowances, and Gratuities of Police Constables in England and Wales, and their Widows and Children, and to make other provisions respecting the Police of England and Wales. Ch. 45. E. Page 328.

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